

NOTICE OF MEETING

Planning and Zoning Commission
June 9, 2010
Cochise County Complex
Board of Supervisors Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona

AGENDA

4:00 P.M. CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ROLL CALL (Introduce Commission members, explain quorum and requirements for taking legal action.)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes, other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end.)

APPROVAL OF PREVIOUS MINUTES - (Call for motion to approve the minutes of the May 12, 2010 Meeting)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda).

NEW BUSINESS

Item 1 (Page 1) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket Z-10-02: A request to downzone a parcel of land from SR-43 (Single-Household Residential, minimum lot size 1-acre) to SR-4 District (Single-Household Residential, minimum lot size 4-acres) to allow the Applicant to comply with the Amendment to the Cochise County Building Safety Code for owner-built residential construction. This downzone request is to allow the Applicant to opt-out of Building Code compliance review for a 2,000 sq.-ft. barn. The subject property (Parcel 116-09-485A) is approximately 4.2-acres in size, and is located at 105 W. Ironwood Rd. in Cochise, AZ.

Applicant: Crystal Frei.

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if APPROPRIATE)
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION DISCUSSION (May ask questions of the applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION

ANNOUNCE ACTION TAKEN - (If the Commission makes a recommendation, the Board of Supervisors meeting will be held on Tuesday, July 13, 2010 at or after 10:00 AM at the same location as the Commission meeting.)

Item 2 (Page 21) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-10-10: The Applicant seeks a Special Use Permit to establish a winery with tasting room on two contiguous 8-acre parcels, per Section 607.37 of the Zoning Regulations. The subject parcels (401-84-005A and 005E) are located at the Northeast corner of Highway 181 and Braaton Ranch Road, East of Sunizona, AZ.

Applicant: John Kovacs of Sandor Vineyards.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 3 (Page 45) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-90-06AA: The Applicant seeks to modify an approved Special Use Permit to allow an expansion of the existing Mountain View RV Park (originally permitted under Docket SU-90-06). The expansion would allow for up to 52 additional spaces beyond the 100 spaces originally permitted on Parcel 106-06-008. The project would now incorporate adjacent Parcel 106-06-021C. The above-referenced parcels are located at 99 West Vista Lane, in Whetstone, AZ.

Applicant: George McMillan of Mountain View RV Park.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 4 (Page 70) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-10-09: The Applicant requests a Special Use Permit in a General Business zoning district to establish and operate a pet boarding facility and accessory retail pet supplies shop in an existing 2,000 sq.-ft. space located on subject parcel (107-56-011S) at 4066 E. Monsanto Dr. in unincorporated Sierra Vista, per Section 1205.04 (animal husbandry services) of the Zoning Regulations.

Applicant: Ms. Stephanie Clarke.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 5 (Page 113) - Introduce Docket and advise public who the applicants are.

Study Session, Right-of-way dedications with rezonings and SUPs.

**DIRECTOR'S REPORT ON PENDING AND RECENT MATTERS AND FUTURE
AGENDA ITEMS**


1. Board of Supervisors Actions
2. Next and potential future month's Dockets

CALL TO COMMISSIONERS ON RECENT MATTERS

ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, May 12, 2010

 The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

ROLL CALL

Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Basnar then explained to the audience the procedures for considering a docket.

Roll Call.

Present: Jim Martzke, Duane Brofer, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Absent/Excused: Rusty Harguess.

APPROVAL OF THE MINUTES

Chair Basnar asked for a motion to approve the minutes of the previous minutes.

Commissioner Brofer made motion to approve the amended minutes as written.

Commissioner Bemis seconded.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 2).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Ron Bemis, Gary Brauchla.

Abstain: Cruz Silva, Jim Lynch.

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public.

Jack Cook commented on privacy on the internet.

Chair Basnar closed the "Call to the Public"

Item 1

Study Session, Docket R-10-02: Deputy County Attorney Adam Ambrose presented the study session to consider an amendment to the whole of the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal and appeal processes for property owners with hazardous materials.

Commissioner Bemis asked who would be writing the rules to enforce the ordinance.

Mr. Ambrose stated they are staff drafted, and would come before the Commission for approval.

Commissioner Bemis asked what "other legal means" means.

Mr. Ambrose stated it is required by statute to allow other means.

Mr. Bemis asked if the class 1 misdemeanor would turn into a felony.

Mr. Ambrose stated it would not.

Commissioner Brofer asked if violations will be complaint driven.

Zoning Administrator Rick Corley stated that the violations would be complaint driven, however if an inspector comes across a hazard, it will be opened at that time.

Chair Basnar asked how staff knows when an envelope is postmarked; he further stated that he feels 15 days is sufficient.

Commissioner Bemis stated he feels once a letter is delivered whether in person or by certified mail that date is when the 15 days should start.

Item 2



Study Session, Planning, Zoning & Building Safety Fiscal Year 2010/2011 work program and summary budget: Director Benny Young explained the work program outlining a number of short and long term goals of the respective divisions of the Community Development Department. For example, due to Growing Smarter mandates and the anticipated release of 2010 Census data, the Department intends to request that the Board of Supervisors make updating the County's Comprehensive Plan a long-range priority. Such an update would incorporate, among other things, the findings of the Envisioning 2020 study, which staff completed in 2009. However, the top priority of the Department will remain that of being a resource to the public, and to provide that customer service in a timely and professional manner.

Interim Planning Manager Michael Turisk explained the reason for a work plan is to provide direction from the Board of Supervisors, focuses efforts of staff, and would be updated annually. He further stated the work plan would include Planning, Zoning and Building safety. He explained staffs priorities and took input from the Commission on what they see as priorities.

Chair Basnar asked why impact fees are last on the list.

Transportation Planner Karen Lamberton explained that the impact fees are ongoing; however it will be coming back at a later time.

Chair Basnar asked about the re-establishment of liaison with builders.

Plans Examiner Luis Garcia explained that due to a lack of staff we have not been pursuing it at this time.

Commissioner Bemis stated he feels the Department should pursue relations with Federal Agencies at the present time, as it should be a priority.

Commissioner Brauchla stated he is concerned about the expediting the opt out process, he further stated the Department should educate the public on the importance of building codes.

PLANNING DIRECTOR'S REPORT

1. Board of Supervisors Actions included denial of the Beal SUP appeal for animal husbandry.
2. Next Month's Dockets include 3 Special Use dockets, and 1 down-zoning.
3. Mr. Young asked if the Commission would like to receive a copy of the Departments monthly reports.
4. Mr. Young Announced that a new Building Official will start on May 17, and they are looking for a Deputy Planning Director. He further announced the resignation of Susana Montana, and that Mike Turisk will be serving as Interim Planning Manager. Mr. Young thanked Adam Ambrose for all of his hard work to the County, as he is retiring.

CALL TO COMMISSIONERS

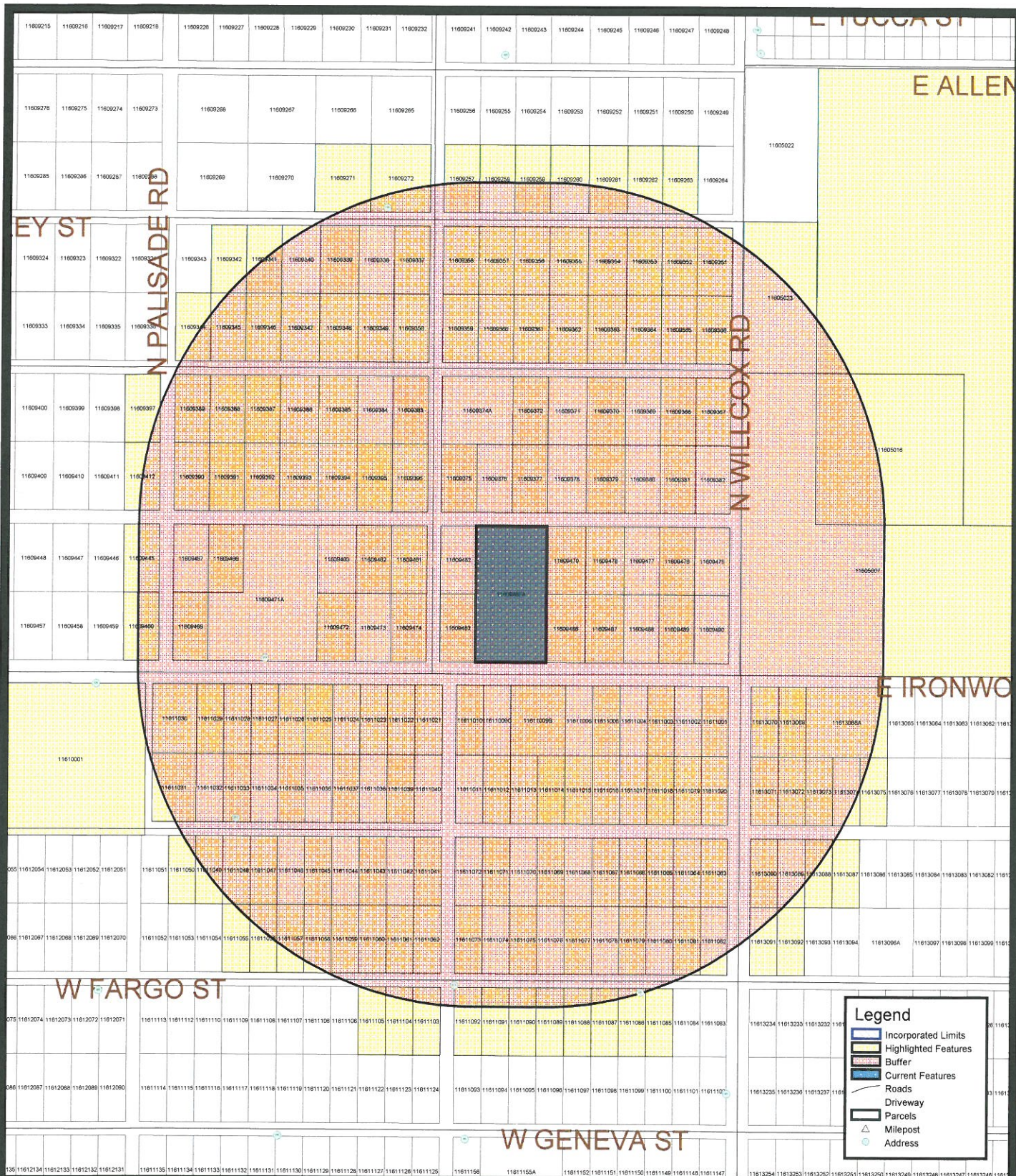
Chair Basnar asked that the Commission respond to the quorum e-mail that is sent. He further stated that there is not to be any food or drink brought into the board room.

ADJOURNMENT

Motion: To adjourn, **Action:** Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.



Z-10-02
 Frei
 116-09-485A
 1500' Buffer

This map is a product of the
 Cochise County GIS

0' 1" = 600'



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Michael Turisk, Interim Planning Manager *MT*
For: Benny J. Young, P.E., Planning Director
SUBJECT: Docket Z-10-02 (Frei)
DATE: May 25, 2010 for the June 9, 2010 Planning and Zoning Commission meeting.

APPLICATION FOR A REZONING (DOWNZONING)

This is a request to rezone/"downzone" a 4.28-acre parcel from SR-43 (Single-Household Residential, minimum lot size 1-acre) to SR-4 (Single-Household Residential; minimum lot size 4-acres) to allow the Applicant to qualify for the owner-builder opt-out amendment to the County Building Safety Code for construction of a 2,000 sq.-ft. barn. The purpose of the amendment is to exempt an owner-builder from the requirement for construction plan review and inspection under the currently adopted version of the Cochise County Building Safety Code, provided the parcel proposed for residential construction is located in a zoning district with a maximum density of four (4) acres per dwelling unit. The property is located at 105 W. Ironwood Rd. in Sunsites. The Applicant is Ms. Crystal Frei.

I. Description of Subject Parcel and Surrounding Uses

Parcel Size: 4.28-acres
Parcel Number: 116-09-485A
Parcel Location: 105 W. Ironwood Dr. in Sunsites
Current Zoning: SR-43 (Single-Household Residential; minimum lot size 1-acre)
Proposed Zoning: SR-4 (Single-Household Residential; minimum lot size 4-acres)
Area Plan(s): Mid-Sulphur Springs Valley
Growth Area: D (Rural)
Plan Designation: Agriculture and/or Green Space (per the Mid-Sulphur Springs Valley Area Plan)
Existing Uses: Residential
Proposed Use: 2,000 sq.-ft. barn

Zoning/Use of Surrounding Properties

Direction	Zoning	Use(s)
North	SR-43	undeveloped; scattered home sites
South	SR-22	W. Ironwood Rd.; undeveloped; scattered home sites
East	SR-43	undeveloped
West	SR-43	undeveloped

II. PARCEL HISTORY

March 2010 – Violation for constructing barn without a permit; and
April 2010 – Deficient building permit for barn ("Will opt out").

*This rezoning is the Applicant's attempt to remedy the violation.



Fig.1; Single-family residence and incomplete 2,000 sq.-ft. barn

III. NATURE OF THE REQUEST

The purpose of the owner-builder amendment is to exempt an owner-builder from the requirement for construction plan review and inspection under the currently adopted version of the Cochise County Building Safety Code, provided the parcel proposed for residential construction is located in a zoning district with a maximum density of four (4) acres per dwelling unit. Furthermore, the proposed parcel must be of a size and configuration that conforms to the zoning district in which it is located.

The Applicant wishes to construct a 2,000 sq.-ft. barn without construction plan review *and* no Building Code inspections, hence this request to rezone to SR-4 (the Applicant would qualify for the owner-builder opt-out amendment if the property were "downzoned" to SR-4 or RU-4). The request to rezone the 4.28-acre parcel from SR-43, which requires a minimum of 43,560 sq.-ft or 1-acre to SR-4, which requires a minimum of 4-acres of lot area, is considered a "downzoning" and is appropriate in rural and rural remote areas.

In 1975 when zoning designations were first placed on land in the County, the County attempted to match, as closely as possible, the existing density and intensity of development of lands with the menu of zoning districts that were available. Portions of the Sunsites area featured small lots that closely matched the SR-43 designation and, as such, this designation was placed here and in outlying areas to accommodate future growth. The anticipated growth or expansion of this area has not yet occurred and, for various reasons, may not occur.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category D - Rural Growth Area. Section 402 of the County Zoning Regulations permits owners of property lying within "Rural" land use areas to request a rezoning to SR-4.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fourteen (14) criteria used to evaluate rezoning requests. Eleven (11) of the criteria are applicable and are listed below. The Applicant's request complies with all applicable rezoning criteria.

1. Provides an adequate Land Use/Concept Plan – Complies

The Site Plan shows the location of the existing 2,400 sq.-ft. single-family residence, driveway and platform which was the subject of the violation of building without a permit (see Attachment B). The site is large enough to accommodate the barn.

2. Compliance with the Applicable Site Development Standards – Complies

Rezoning the parcel to minimum lot size 4-acres would not change the minimum setback requirement of 20-feet. However, maximum site coverage would decrease from 65% to 25% if approved.

3. Creation of Districts Capable of Development – Complies

The 4.28-acre parcel could accommodate one 4-acre parcel, thus meeting the minimum lot size of the SR-4 zoning.

4. Limitation on Creation of Nonconforming Uses - Complies

The site currently has a single-family residence on 4.28-acres. If approved, the rezoning would not result in the creation of nonconforming uses.

5. Compatibility with Existing Development - Complies

The site and environs can be characterized as rural to rural-residential. Downzoning to qualify for the owner-builder opt-out amendment would not compromise or endanger compatibility with existing development.

6. Rezoning to More Intense Districts – Complies

The rezoning request is characterized as a downzoning because it would reduce the density or intensity of development permitted on the property from four (4) dwelling units to a maximum of one (1).

7. Adequate Services and Infrastructure – Complies

The barn would not have a dedicated well, septic system or electricity. The single-family residence has adequate services and infrastructure, including power and phone services. The Sunsites-Pearce Fire District provides emergency services.

8. Traffic Circulation Criteria – Complies

Typically, on an "upzoning" request or other discretionary permit approval, staff would request that the private easement abutting or within subject parcel be dedicated as a public easement in order to assure continued public use of the roadway. However, in downzoning requests we do not routinely ask for such a dedication.

9. Development Along Major Streets – Complies

W. Ironwood Rd. is County-maintained as a paved road. It is not characterized as a major street although it is a "main" road to the Sunsites townsite. Downzoning the site would not result in increased development along major streets.

10. Infill—Not Applicable**11. Unique Topographic Features – Not Applicable**

Typically, the purpose of a downzoning is to reduce densities and future development on sites that feature steep terrain, creeks, on soil that may not be amenable to septic systems, that lie within fire-sensitive lands or that feature environmentally-sensitive lands or critical habitat. However, the subject parcel is flat and the intent of this rezoning is to qualify for owner-builder opt-out.

12. Water Conservation—Not Applicable

This criterion is applicable to rezonings associated with Master Development Plans.

13. Public Input - Complies

Because this is a downzoning, the Applicant was not required to submit a Citizen Review Report. The Department sent notices to 126 neighboring property owners within 1,500 feet on May 18, 2010. The property was posted on May 20, 2010 and legal notice was placed in the *San Pedro Valley News-Sun* on May 12, 2010. To date, the Department has received two (2) letters of support and five (5) letters in opposition to this downzoning request.

14. Hazardous Materials – Complies

The Applicant would not use, or store, hazardous materials on the site.

V. Summary and Conclusion:

An evaluation of all rezoning criteria, per the County Zoning Regulations, has been performed and, based on the rural and rural-residential character of the locale and environs, and the staff-recommended conditions of approval, staff finds the following Factors in Favor and Against could apply to the rezoning request:

Factors in Favor of Approval

1. The Comprehensive Plan and Zoning Regulations allow consideration of the proposed SR-4 zoning for areas designated as Rural and the proposed use is consistent with the purposes of the Category D and “Rural” Comprehensive Plan land use designation; and
2. To date, two (2) letters of support have been received.

Factors Against Approval

1. The owner-builder opt-out amendment was not intended to remedy violations; and
2. To date, five (5) letters of protest have been received.

VI. RECOMMENDATION

Although the intent of this request is to qualify for the owner-builder opt-out provision, the proposed downzoning would lessen the level of development on the property. In addition, the downzoning would be a better reflection of the rural character of the area. Based on this land use compatibility, and the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Z-10-02 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. The Applicant shall obtain a building permit within one year of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to the SR-43 Zoning District; and
3. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

VII. ATTACHMENTS

- A. Rezoning Application
- B. Site Plan
- C. Notification Map
- D. Owner-Builder Amendment Disclosure Statement
- E. Comment Letters



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Planning and Zoning Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Crystal Frei

2. Mailing Address: 105 W. Ironwood RD

Cochise AZ 85606
City State Zip Code

3. Telephone Number of Applicant: (520) 237-8532

4. Telephone Number of Contact Person if Different: ()

5. Email Address: _____

6. Assessor's Tax Parcel Number: 116-09-485A (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- Sole owner: ☒
- Joint Owner: _____ (See number 8)
- Designated Agent of Owner: _____
- If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): _____

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
- Copy of deed of ownership: _____
 - Copy of title report: _____
 - Copy of tax notice: _____
 - Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?
- Yes _____ No ☒

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No ☒
- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: SR-43

14. Indicate proposed Zoning District for Property: Ru-4 SR-4

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.) AGRICULTURE (mid Sulphur Springs Valley Area Plan)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: 2400 sq ft single family Residence

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: New Barn - 2000 sq ft

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

N/A

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? N/A

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? N/A

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A Private Well	
Sewer/Septic	Septic	
Electricity	SSVEC	
Natural Gas	Propane Tank	
Telephone	NONE	
Fire Protection	Sunsite Fire Rescue	

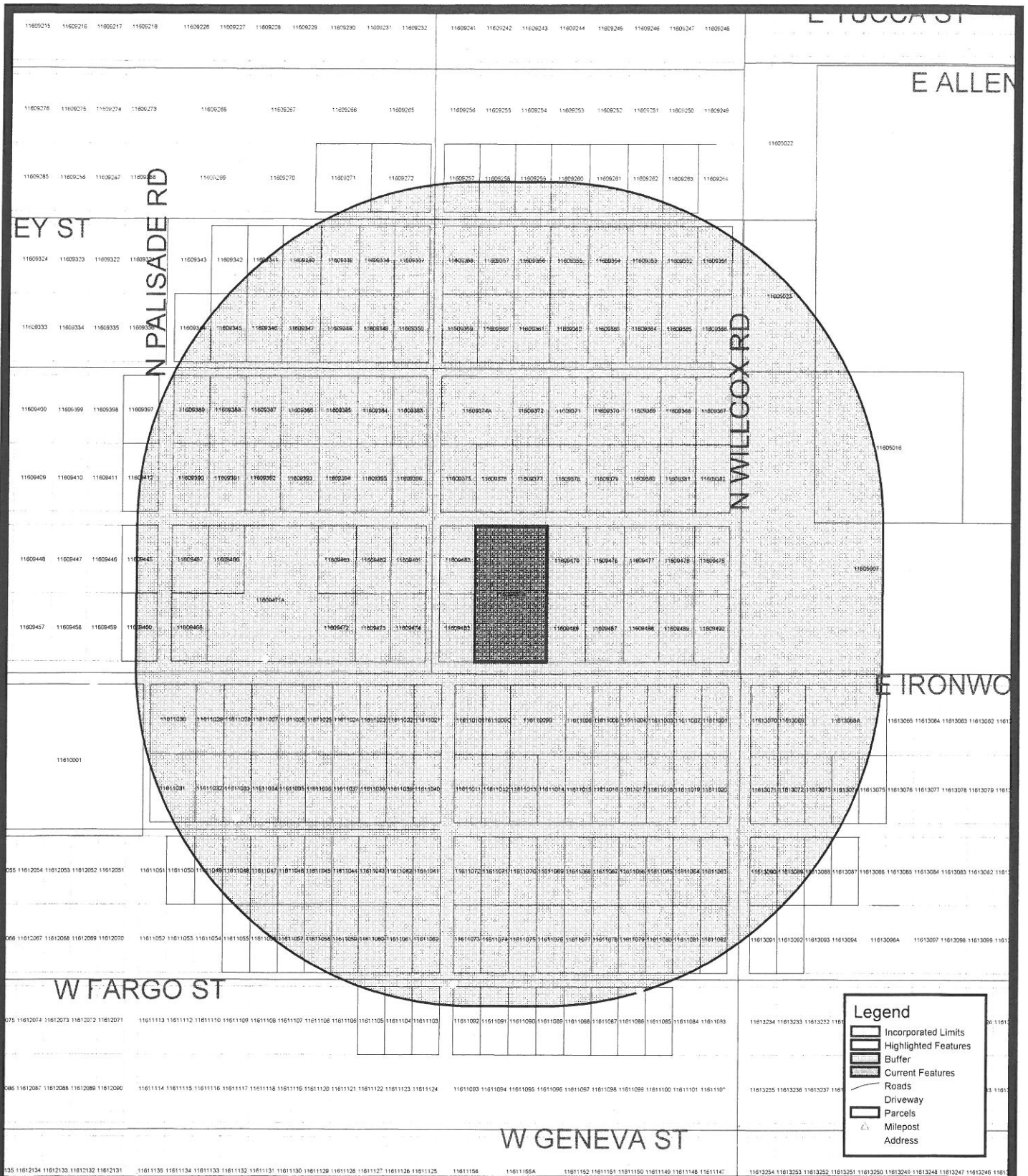
24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). would like Rezoning for owner

opt out inspection for the construction of a Barn

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Crystal Grei
Date: 4/12/16



Z-10-02
Frei
116-09-485A
1500' Buffer

This map is a product of the
Cochise County GIS



0' 1" = 600'

Recording Requested By:
Cochise County Planning Department
When Recorded Deliver To:
Cochise County Planning Department
1415 Melody Lane
Bisbee, AZ. 85603
520-432-9240

2010-07954
Page 1 of 9
Requested By: CRYSTAL FREI
Christine Rhodes - Recorder
Cochise County, AZ
04-12-2010 12:16 PM Recording Fee \$17.00

Space Above For Recorder Use Only



COMMUNITY DEVELOPMENT DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Disclosure Statement - Owner-Builder Amendment to the Cochise County Building Safety Code:

Pursuant to *Section 6 - Recording* contained in the adopted *Resolution R-10-01 - Amendment to the Cochise County Building Safety Code for Owner-Built Rural Residential Dwellings*, which states: "Each time a permit is issued pursuant to this amendment for *Residential Dwellings, Additions or Accessory Structures*, a notice that a permit has been issued pursuant to the provisions of this article shall be recorded with the County Recorder by the Planning Department". This Disclosure Statement will be recorded to the subject property.

The purpose of this amendment is to exempt a Rural Owner-Builder from the requirement for construction plan review and inspection under the currently adopted version of the Cochise County Building Safety Code, *provided the parcel proposed for residential construction is located in a Zoning District with a maximum density of four acres per dwelling unit and the proposed parcel is of a size and configuration that conforms with the Zoning District in which it is located*. This amendment also allows such Owner-Builder to opt to comply with the Cochise County Building Safety Code but with a limited inspection scope, instead of complying with the full inspection requirements contained in the adopted *Building Safety Code*.

NOTE: *Applicants for the Owner-Builder Option should check with their financing institution and/or insurance provider to ascertain whether building without review or inspection oversight will affect your ability to obtain a mortgage or homeowner's insurance.*

Amendment Option Selected by Owner-Builder (Initial to left of applicable statement):

_____ I have voluntarily selected the *Full Construction Plan Review with Limited Building Code Inspection* option of the adopted Owner-Builder Amendment for my residential construction project listed below. I understand that full construction plan review is required under this option with only limited building code inspections in the trade areas of mechanical, electrical, plumbing and fire prevention by the County.

CFV I have voluntarily selected the *No Construction Plan Review with No Building Code Inspection* option of the adopted Owner-Builder Amendment for my residential construction project listed below. I understand that no construction plan review or building code inspections will be required or completed by the County.

Description of Residential Construction Work included under this disclosure:Construction of a horse barn

By statute, this exemption does not exempt owner-builders from statewide codes such as the plumbing and fire codes and regulations regarding smoke detectors, nor does it exempt owner-builders from fire codes adopted by the fire districts or the County.

I (or) We Crystal Frei, owner(s)
(Applicant Name(s))

of parcel # 11609485A located at 105 W. Ironwood RD in
(Physical Address)

Cochise AZ 85606 agree to comply with all of the requirements
(Town) (State) (Zip Code)

contained in the Owner Built Rural Residential Dwelling amendment to the Cochise County Building Safety Code and all other pertinent state and county regulations.

Crystal Frei and (if applicable) _____
Owner Signature Owner Signature

4/12/10 _____
Date Date

When recorded, this document shall be indexed by the county recorder and shall be deemed to give constructive notice as to its contents to all persons thereafter dealing with the real property.

This Instrument was acknowledged before me this 12 Day of April, 2010, by

Crystal Frei and (if applicable) _____

Sylvia D. Gruhn
Notary Public

My Commission Expires: 10-18-2011



SPECIAL USE: Docket Z-10-02 (Frei)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons: We do not believe it will have any
negative impact ~~on~~ on our property or the
surrounding area.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Ben W. Calhoun

Janet L. Calhoun

SIGNATURE(S):

Ben W. Calhoun

Janet L. Calhoun

YOUR TAX PARCEL NUMBER: 116-09-463 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 2168 E. View Drive So. Weber, UT. 84405

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on May 31, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

MAY 27 2010

PLANNING

SPECIAL USE: Docket Z-10-02 (Frei)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

why not? Sounds like progress.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Maureen B Boyle

SIGNATURE(S):

Maureen B Boyle

YOUR TAX PARCEL NUMBER:

Parcel

02 116-13-071

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

6771 N Camino Abbey Tucson Arizona 85718 2009

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on May 31, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk

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COCHISE COUNTY
MAY 20 2010
PLANNING

SPECIAL USE: Docket Z-10-02 (Frei)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: A barn that close to our 3 properties would cause a devaluation of the surrounding properties and create less curb appeal in the future. The barn would attract pests / rodents and create an undesirable odor. Not knowing the present or future useage, leaves us extremely negative.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Theodore A. Gunaka, Jr. Karen G. Gunaka

SIGNATURE(S):

Theodore A. Gunaka, Jr. Karen G. Gunaka

116-09-370
116-09-371

YOUR TAX PARCEL NUMBER:

116-09-372

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

YOUR ADDRESS

W2114 Amherst Trails Lyndon Station, WI 53944

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COCHISE COUNTY
JUN 01 2010
PLANNING

SPECIAL USE: Docket Z-10-02 (Frei)

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: We feel that this does not meet with the spirit
of this community by allowing residential large lots to be resized according
to 1 owner. We purchased our properties with the intent of building our
retirement home in a nice community. By rezoning lots, it will change the
whole feel and layout as well as set a precedence for others to resize as they
see fit. The barn structure itself will hinder the view. I am assuming animals
will occupy the barn, so the smell and noises will also affect
the surroundings.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Tracy K Harper

Chris Harper

SIGNATURE(S):

Tracy K Harper

[Signature]

YOUR TAX PARCEL NUMBER: 116-09-144 (the eight-digit identification number found on the tax statement
from the Assessor's Office) 116-09-143 116-11-048
116-11-049

YOUR ADDRESS ^{mailing} 1100 N Gilbert Rd #2-173 Mesa AZ 85203

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Fax: (520) 432-9278

COCHISE COUNTY

JUN 01 2010

PLANNING

SPECIAL USE: Docket Z-10-02 (Frei)

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Jim Sells

SIGNATURE(S):

[Signature]

YOUR TAX PARCEL NUMBER: 116-09355/205-12155 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS _____

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Fax: (520) 432-9278

SPECIAL USE: Docket Z-10-02 (Frei)

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

 X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Without the requisite information, it is possible that multi-family housing could be incorporated into said barn. Since the property is located so close to the US/Mexico border, even the possibility of temporary other housing needs to be considered.
② If the parcel would later be rezoned back into farm 1-acre parcels after said barn was built, property values might be adversely affected.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Rose M. Pietkiewicz

SIGNATURE(S):

Rose M. Pietkiewicz
11605023
11605016

YOUR TAX PARCEL NUMBER:

11605007

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

9200 S. Avers, Evergreen Park, IL 60125-1414

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Fax: (520) 432-9278

SPECIAL USE: Docket Z-10-02 (Frei)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: I BELIEVE THIS PARCEL SHOULD REMAIN
SINGLE HOUSEHOLD RESIDENTIAL, A "BARN" DEVALUES ALL
THE PROPERTY NEAR IT. IF A HOUSE WERE BUILT,
THEN A LARGE GARAGE OR POLE BUILDING, I WOULD
HAVE NO OBJECTION, BUT THERE SHOULD BE
A RESIDENCE,

(Attach additional sheets, if necessary)

PRINT NAME(S):

DALE A. GANSKE

SIGNATURE(S):

Dale A. Ganske

YOUR TAX PARCEL NUMBER:

116-18-065

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

3325 CONSERVANCY LANE, MIDDLETON, WI. 53562

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RETURN TO:

Michael Turisk

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

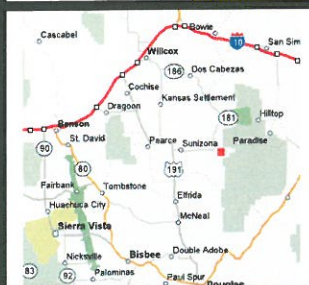
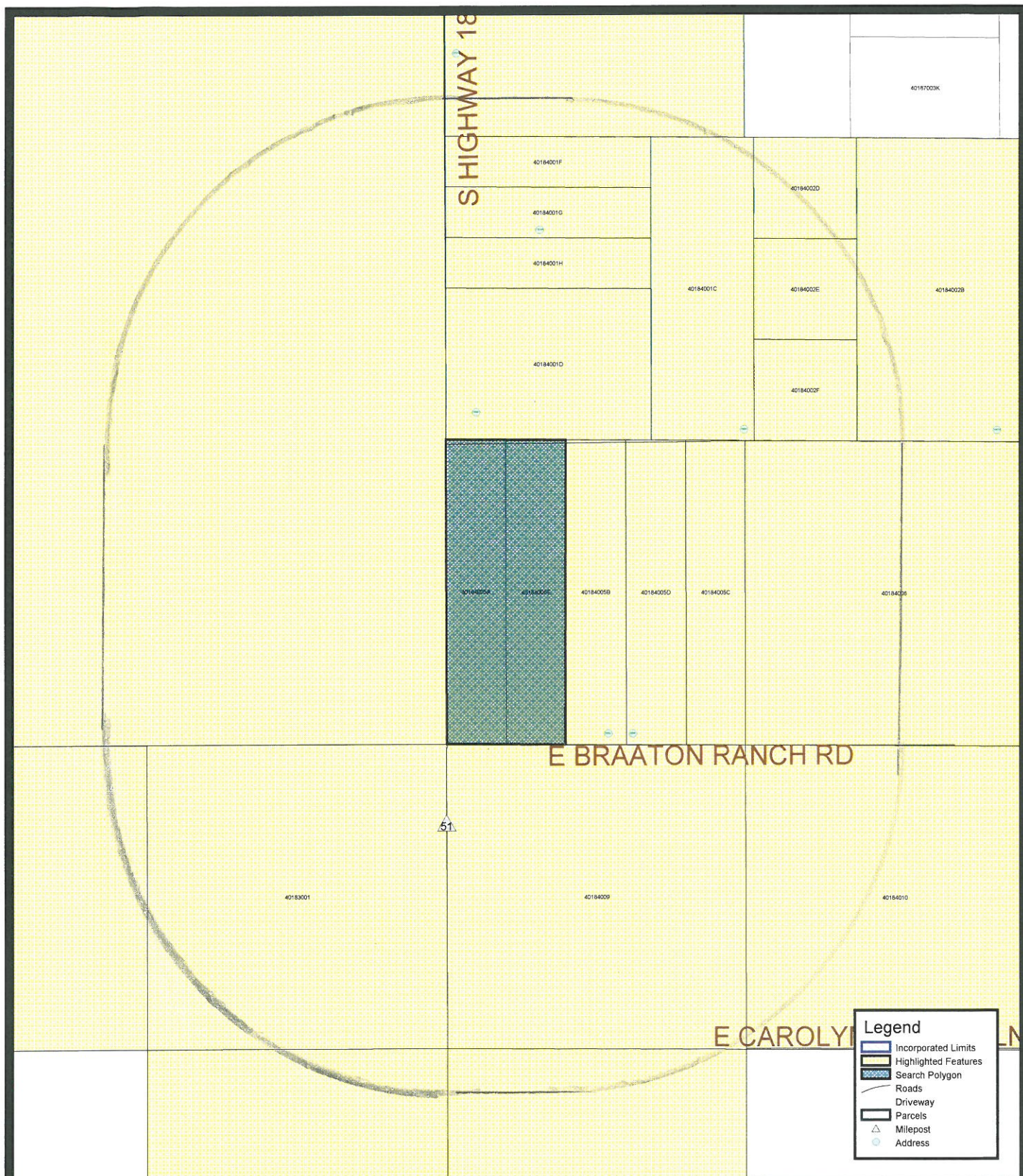
Email: mturisk@cochise.az.gov

Fax: (520) 432-9278

COCHISE COUNTY

MAY 27 2010

PLANNING



SU-10-10
Kovacs
401-84-005E & 005A
1500' Buffer

This map is a product of the
Cochise County GIS



0' 1" = 600'



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner

For: Benny J. Young, P.E., Planning Director

SUBJECT: Docket SU-10-10 (Kovacs)

DATE: May 27, 2010, for the June 9, 2010 Meeting

APPLICATION FOR A SPECIAL USE

Docket SU-10-10 (Kovacs): The Applicant seeks a Special Use Permit to establish a winery with tasting room on two contiguous 8-acre parcels, per Section 607.37 of the Zoning Regulations. The operation would consist of one two-story, 7,400 square foot winery/tasting room facility, a 742 square foot single-family residence, and a 4,600 square foot single-family residence.

The subject parcels (401-84-005A and 005E) are located at the Northeast corner of Highway 181 and Braaton Ranch Road, East of Sunizona, AZ. The Applicant is John Kovacs of Sandor Vineyards.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 16 Acres

Zoning: RU-4 (Rural – 1 Dwelling per 4 acres)

Growth Category: D (Rural Growth Area)

Plan Designation: Rural

Area Plan: None Applicable

Existing Uses: Undeveloped Land

Proposed Uses: Winery with tasting room, two single family residences

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential
South	RU-4	Undeveloped Land
East	RU-4	Rural Residential
West	RU-4	Undeveloped Land

II. PARCEL HISTORY

There are neither permits nor code enforcement actions associated with the property.

III. PROJECT DESCRIPTION

The Applicant, John Kovacs of Sandor Vineyards, intends to develop the property as a vineyard and winery. Most of the property is to be cultivated in grapevines. Public activity would take place in what the Applicant calls a "wine pavilion," a 7,400 square foot multi-use structure where the wine would be made, and where the public may sample and/or purchase the product. Per the Applicant the 29-foot tall pavilion's second story would consist of a mezzanine/loft space for meetings, "small executive conferences" and other functions by reservation. The proposal also includes a small 742 square foot single-family residence, called the "casita," where the Applicants intend to reside on a seasonal basis until their larger 4,600 square foot home construction is complete.



Northward view of the well site. The site proposed for the casita and estate home are in the background.

IV. ANALYSIS OF IMPACTS - COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of ten criteria staff uses to evaluate Special Use applications. These are considered factors in determining whether or not to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the ten criteria apply to this request. The project complies with four factors as submitted; with the recommended Conditions of Approval, the proposal would comply with each of the nine applicable factors.

A. Compliance with Duly Adopted Plans: Complies

As an agricultural resource-producing project geared towards tourism, the project would be compatible with the Category D Growth Area as described in the Comprehensive Plan. Transportation-related policies in the Comprehensive Plan would also be served through the use of a commercial-grade access to the adjacent State Highway 181.

B. Compliance with the Zoning District Purpose Statement: Complies

The project would serve to maintain the rural and agricultural character of the area, and would thereby comply with Sections 601.01, 601.02 and 601.03 of the Zoning Regulations.

C. Development Along Major Streets: Complies (Subject to Condition #3)

The property currently takes access from Braaton Ranch Road, a private road not maintained by the County. The Applicant proposes to construct a commercial access point along Highway 181, which is an ADOT Right-of-Way. Condition #3 would require the Applicant to obtain other permits and meet other conditions as needed; as such, this Condition would ensure that the proposed 181 access is built to ADOT standards.

D. Traffic Circulation Factors: Complies

With the proposed State Highway access, the project would preserve the intended function of the surrounding transportation network.

E. Adequate Services and Infrastructure: Complies (See Conditions #3 and #4)

The project would be served by a private well and septic system. SSVEC would provide electric power.

The proposed access from 181 would ensure that the project is served by an adequate roadway. Condition #3 would ensure the proposed Highway 181 access is constructed to ADOT standards.

The subject property is not within the boundaries of any fire protection district, although the Pearce-Sunsites Fire Department does respond to emergencies in this area. Although the project site is outside the boundaries of the district, the Department does accept subscriptions to its service outside the district boundary. The Applicant indicated on the Special Use Questionnaire that fire protection would consist of a firebreak around the perimeter of the property. In order to assure that adequate services exist for the use, staff recommends, as Condition of Approval #2, that prior to operation the Applicant provide County staff with an intent to serve letter from the Pearce-Sunsites Fire Department.

F. Significant Site Development Standards: Complies (See Condition #1)

The Applicant can meet all site development requirements, and has not requested any modifications or waivers to County standards. Minor deficiencies in the submitted site plan would be remedied by the application of Condition #1, which is a standard condition applied to all Special Use approvals.

G. Public Input: Complies

The Applicant completed the required Citizen Review as part of the Special Use Application process, and received positive responses (See Attachment D). The County has also completed its required legal noticing and property owner notification. All responses to date have been in support of the Special Use request.

H. Hazardous Materials: Not Applicable

I. Off-Site Impacts: Complies (Subject to Condition #3)

Staff does not anticipate any discernable off-site impacts related to the development. Condition #3, a standard condition applied to all Special Use approvals, would ensure that the Applicant obtain other permits or meet other conditions as needed. The Applicant may be subject to additional requirements due to the proximity of the proposed development to Turkey Creek immediately North.

J. Water Conservation: Complies

The vineyard is on a private well. The Applicant has not indicated the volume of water to be used as part of the operation. However, the highest volume of water used will be for the grapevines, which are a low-water crop relative to other agricultural uses. The Applicant would also utilize a lesser amount of water during the harvest season, for bottling the wine and cleaning equipment.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on May 10, 2010, and published a legal notice in the *San Pedro Valley News-Sun* on May 27, 2010. To date, staff has received supportive correspondence from two neighbors regarding the proposal.

VI. SUMMARY AND CONCLUSION**Factors in Favor of Allowing the Special Use**

1. The proposal would comply with the applicable Comprehensive Plan Growth Category and Plan Designation policy guidelines, and with the Rural District purpose statements.
2. With the recommended conditions, the project would comply with each of the nine applicable Special Use factors.
3. The Applicant's Citizen Review met with generally favorable results with no opposition, and staff has since received statements of support from two additional neighbors.

Factor Against Approval

None Apparent.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request.

Sample Motion: Mr. Chair, I move to approve Docket SU-10-10, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff memorandum.

Recommended Conditions of Approval:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations, the completed Special Use Permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.
2. Prior to issuance of a certificate of occupancy, the Applicant shall provide the Planning Department with an intent to serve letter from the Pearce-Sunsites Fire Department.
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

VIII. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review Report
- E. Transportation Planner's Memo
- F. Public Comment



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 02 401-84-0056 and 02 401-84-0057

APPLICANT: JOHN & KAREN KOVACS

MAILING ADDRESS: 980 E CAMINO CORRIDO ORO VALLEY AZ 85704

CONTACT TELEPHONE NUMBER: 520 742 6422^h or 949 307 4645 cell

PROPERTY OWNER (IF OTHER THAN APPLICANT): N/A

ADDRESS: _____

DATE SUBMITTED: 4-19-10

Special Use Permit Public Hearing Fee (if applicable)

\$ 300.00

Building/Use Permit Fee

\$ _____

Total paid

\$ 300.00

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? RAW LAND
2. What is the proposed use or improvement? BUILDING OF A HOUSE; BUILDING OF A WINE PAVILION; PLANTING OF GRAPES
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? BUILDING OF TWO STRUCTURES; ACCESS OF DRIVEWAY FROM HWY 181; PLANTING OF GRAPES; NO IMPACT TOO NEIGHBOR (CLOSEST NEIGHBOR 300' AWAY FROM CONSTRUCTION)

4. Describe all intermediate and final products/services that will be produced/offered/sold.

CULTIVATING AVENUE; WINE PROCESSING; WINE TASTING ROOM
WINE FOR SALE

5. What materials will be used to construct the building(s)? (Note: if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

CUSTOM PLAN DESIGNED HOME AND WINERY STRUCTURE

6. Will the project be constructed/completed within one year or phased? One Year _____

Phased 3 if phased, describe the phases and depict on the site plan.

1) BUILDING OF CASITA 2) BUILDING OF WINE PAVILION STRUCTURE
3) BUILDING OF HOUSE FOR

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 4 Hours (from 10 AM to 4 PM)

B. Number of employees: Initially: 1 Future: 3
Number per shift Seasonal changes NONE

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

4-6 VEHICLES

(2) Total trucks (e.g., by type, number of wheels, or weight)

NONE

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

ENTER PROPERTY FROM HWY 181

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

FRIDAY & SATURDAY & SUNDAY BETWEEN 10A-5P

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day _____ per year _____

E. Will you use a septic system? Yes ☒ No ____ If yes, is the septic tank system existing? Yes ____ No ☒
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ☒ No ____
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): ☒ private road or easement**
____ County-maintained road
____ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached ____ NA ☒

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PRIVATE WELL & STORAGE	ESTABLISHED WELL & STORAGE
Sewer/Septic	PRIVATE SEPTIC	DESIGNED TO BE ESTABLISHED
Electricity	SULPHUR SPRINGS PRIVATE	ESTABLISHED UNDERGROUND 400AMP SERVICE
Natural Gas	PRIVATE	TO BE ESTABLISHED
Telephone	TO PROPERTY	
Fire Protection	20' BARRIER AROUND PROPERTY	ESTABLISHED

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

AGRICULTURE GRAPE VINEYARD TO BE ESTABLISHED

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No ☒ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____
3. Will any noise be produced that can be heard on neighboring properties? Yes ☒ No ☒ if yes: describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No ☒ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____
5. Will odors be created? Yes ___ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____
6. Will any activities attract pests, such as flies? Yes ___ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____
7. Will outdoor lighting be used? Yes ☒ No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ___ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. _____ B. _____ C. _____ D. _____
9. Will any new signs be erected on site? Yes ☒ No ___ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

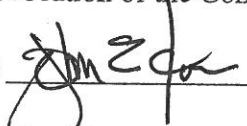
No ☒ Yes ☐ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

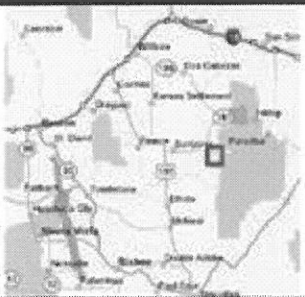
I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature



Date signed

4-19-10



Docket SU-10-10
(Kovacs)
Location Map

This map is a product of the
Cochise County GIS



- Vines
 - Existing Fence

- Pump House
 - Gravel Drive



- Pavilion

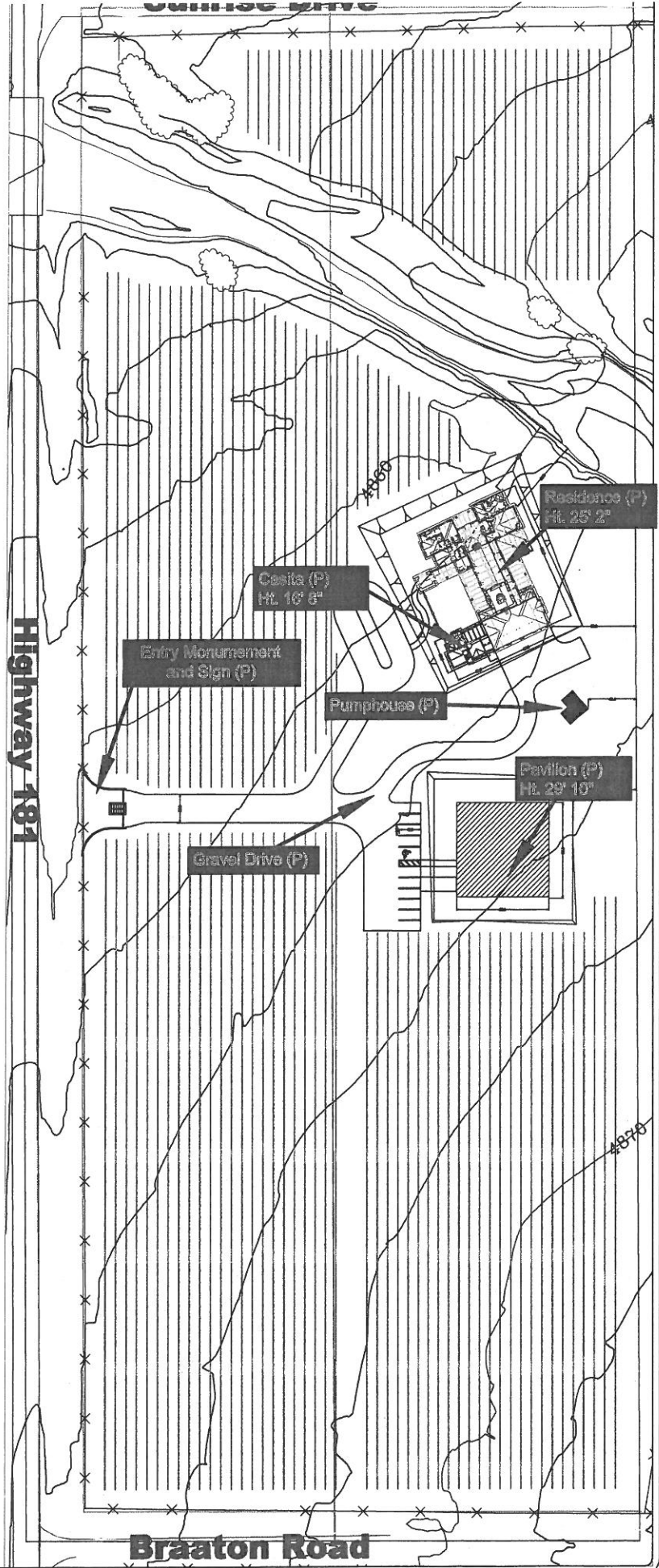
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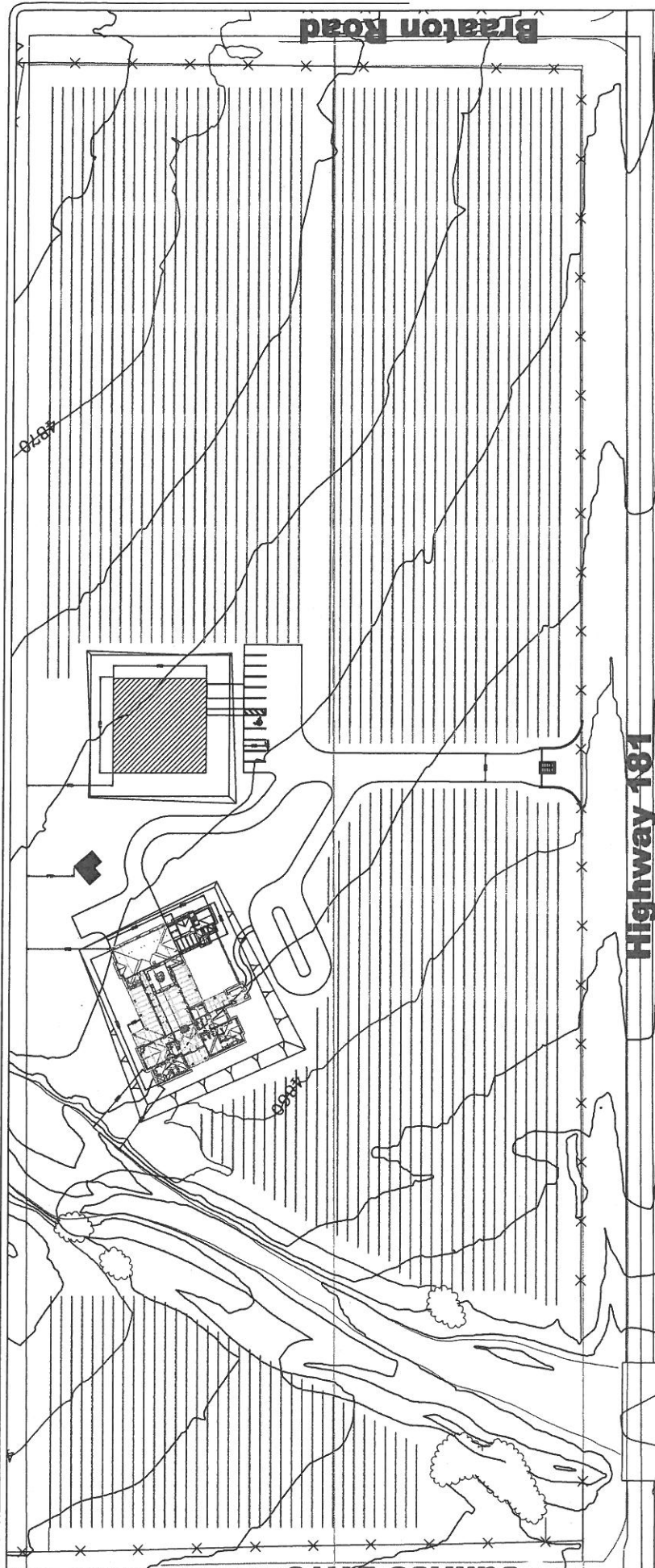


Scale 1"=100'

Sándor Vineyard
Proposed Master Site Plan

Drawn by: J P M
 Date: 4/21/2010
 Rev: 5/30/2010





Legend:

- Vines
- Purchase
- Grand Drive
- Existing Fence
- Pavilion

Sándor Vineyard

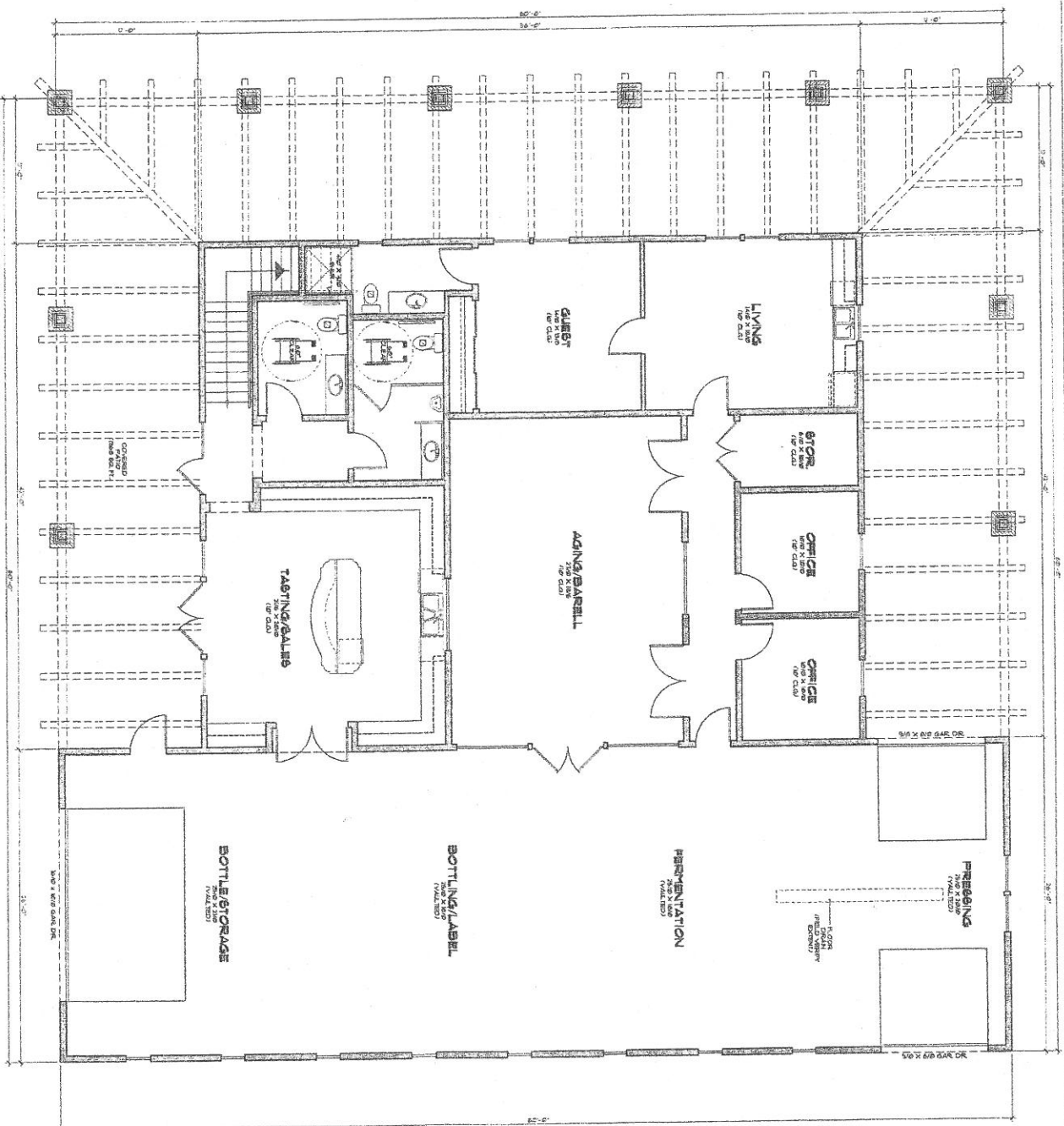
Proposed Master Site Plan

Drawn by: JPM

Date: 4/21/2010

Rev: 5/30/2010

BARN MAIN FLOOR PLAN



Wine Pavilion

<p>MICHAEL C. DAILY ARCHITECTURAL CONSULTANTS, LLC "Your Design, Our Satisfaction"</p>	<p>2215 1</p>	<p>WINE FACILITY PREPARED FOR John & Karen Kovacs PARCEL 401-84-003A, COCHISE COUNTY, ARIZONA</p>	<p>MAIN FLOOR 4432 SQ. FT. 1ST FLOOR 1184 SQ. FT. COVERED PATIO 1848 SQ. FT. BLDG FOOTPRINT 8460 SQ. FT.</p>	<p><small>MICHAEL C. DAILY ARCHITECTURAL CONSULTANTS, LLC 1000 N. 10TH STREET, SUITE 100, TUCSON, ARIZONA 85705 (520) 298-1111 FAX (520) 298-1112 WWW.MCDAILY.COM</small></p>	<p>MICHAEL C. DAILY ARCHITECTURAL CONSULTANTS, LLC "Your Design, Our Satisfaction"</p>
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*John and Karen Kovacs
980 E Camino Corrida
Oro Valley, AZ 85704*

3-30-10

O J Investments Inc
2262A W 111th St
Chicago, IL 60643

To whom it may concern:

You are invited to submit comments at our request to change the use of our property.

Our project is located between Braayton Ranch Road and Sunrise Drive adjacent to Highway 181 on the east side of the road. We intend to improve the property by planting a vineyard and having a vineyard tasting room. The project will also include our retirement home. Our desire is to establish a boutique winery on 16 acres. Along with a wine processing and storage capability, the tasting room will accommodate up to 15 people at a time. Traffic will enter from the Highway 181 with no impact to Sunrise Drive or Braayton Ranch Road. Please refer to the attach drawing to see the location of parking, entrance and vineyard landscaping. Our plan is to plant 8 acres of grapes and bottle on the property making it a true estate vineyard.

We would be happy to meet with you. Please let us know if you would like for us to arrange a meeting.

Your input is important to us. We look forward to hearing from you.

Make sure your questions are answered, please submit a response by **April 15th, 2010**. Your choice of reply may be completed in the following ways.

Submit written comments to:

John and Karen Kovacs
Sándor Vineyards, LLC.
980 E Camino Corrida
Oro Valley, AZ 85704

Email comments to:

scitestec@aol.com

To talk to John and Karen call:

520 742 6422 Home
949 742 6422 John's (cell)

Thank you .

Sándor Vineyard

Sincerely,

John and Karen Kovacs

John Kovacs

From: Bob Weaver [weavertwo2002@yahoo.com]
Sent: Tuesday, April 13, 2010 9:49 AM
To: scitestec@aol.com
Subject: Land Use Change

Dear Sirs:

I am writing "in support" of the land use change request submitted by John & Karen Kovacs for their Vineyard operation(Sandor Vineyard), located on AZ.181 between Braayton Ranch and Sunrise drive. Agri-business is the economic engine of Cochise County and is the largest non government employer, there fore what the Kovacs are proposing will be good for our community and economy.

Our property is located on AZ.181 within eye sight of the requested change.

Thank You,

Robert (Bob) S. Weaver
Weaver Family L.P.

John Kovacs

To: Bob Braaton
Subject: RE: The Vineyard

Bob and Carol, so nice to hear from you...."neighbor". I familiar with Temecula and the recent decade of new vineyards. You...I...us.... have a pretty spectacular piece of property. If there is anything Karen and I can be of help, please let us know. We ordered 2100 Petite Sirah vines for next year planting on Block One. We plan on building our casita and have completed by the end of summer. Just bought a tractor and assorted attachments.....now I am really in heaven. I will get the book, it sounds intriguing and historical. I am in CA a lot plan on being there tomorrow, I keep a place in Orange County on the other side of the mountain from you in Orange. Karen and I have a place in Tucson and live there full time except when I travel to CA. Maybe we can meet sometime and have lunch in Temecula or San Diego....I would like that very much and if you over our way I can introduce you to Karen. We are scheduled to be in front of the Cochise County Planning and Zoning June 9th for a special use permit for our Wine Pavilion. It is being designed to host a tasting room and produce at capacity about 2500 cases a year. Well if you have patience and not afraid to work.....you're OK for the wine business. Thanks for your kind remarks and I look forward meeting you both. Regards John and Karen

John E. Kovacs
Account Executive
Scientific Testing Technologies, LLC.
5319 University, Suite 532
Irvine, CA 92612

Direct 949 307 4645
scitestec@aol.com

From: Bob Braaton [mailto:bobbraaton@cox.net]
Sent: Sunday, April 04, 2010 9:31 AM
To: scitestec@aol.com
Subject: The Vineyard

Dear John and Karen,

Got your letter on your plans for the vineyard and we think it is Great! We have been in discussions with our daughter Lisa Parker on similar plans for our piece of property. The more the merrier.

We live north of San Diego near the wine country of Temecula. It is great fun to do the wine tour because there are so many wineries in that area.

Fyi: you might want to get a book entitled "We'll All Wear Silk Hats" by Lynn R. Bailey. I'm sure it is out of print, but you may find it on Amazon.com. It is the story of the Erie and Chiricahua Cattle companies that operated in the Sulphur Springs Valley between 1883 and 1909. The reason it is interesting is that the headquarters for the Chiricahua Cattle Company was located partially on our property and probably also partially on yours. It is an interesting piece of local lore that can add color to the wine tasting.

Anyway, we will probably be calling soon and talk. I'm sure you have met the Kirks (the Dreamcatcher B & B), they are friends of ours.

Good Luck!!!
Bob and Carol Braaton

Citizen Review Process Summary of Communication

PrAp-10-15		Kovacs		401-84-005A		1500' Buffer					
Last	First	Spouse	Address	Citizen Review Ltr Mailed	Contact by Email	Contact by Phone	Contact by Meeting	Comments/Concerns			
Ballard	Jack	Billie	9998 E Sunrise Dr Pearce AZ 85625	3/30/2010				NO RESPONSE			
Braaton Family Trust			2219 Sawgrass Glen Escondido CA 92026	3/30/2010	4/4/2010			1) See email ATTACHED			
Cruz	Eugene	Cordie	9948 E Bratton Ranch Rd Pearce AZ 85625	3/30/2010				NO RESPONSE			
Denny	William	Karen	141010 S OlmanPl Tucson AZ 85736	3/30/2010				NO RESPONSE			
Frederickson	Matthe w	Pamela	508 Douglas ST Bisbee AZ 85603	3/30/2010				NO RESPONSE			
Hamberger	Chris	Alisha	9942 E Braaton Ranch Rd Pearce AZ 85625	3/30/2010			3/28/2010	1) spoke with Chris Hamberger and said he had no problems with the project			
Hatfield	Derik Lee		7842 E Willetta St Mesa AZ 85207	3/30/2010				NO RESPONSE			
Henderson	Louise		6396 N Schilling Ranch Rd Wilcox AZ 85643	3/30/2010		4/12/2010		1) LEFT PHONE MESSAGE WAS VERY PLEASE WITH THE PROJECT AND HAD NO RESERVATIONS			
Kirk	John	Louise	13097 S State HWY 181 Pearce AZ 85625	3/30/2010		3/31/2010	4/1/2010	1) Initial call @ 6:15p to schedule a meeting on 4-1-10. 2) Met with John & Julia were very positive and in favor of the project			
Kirk	Robert		7928 Nolensville RD Arrington TN 37014	3/30/2010				NO RESPONSE			
OJ Investments Inc			2262A W 111th ST Chicago IL 60643	3/30/2010	4/13/2010	4/14/2010		1) SEE ATTACHED EMAIL			
Oak Ranch of Southern				3/30/2010			4/19/2010	1) Spoke with grandson (Travis Riggs) and he conveyed that his grandfather was in favor of the project and had no reservations			



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240 Fax 432-9278
Benny J. Young, P.E., Director

MEMORANDUM

TO: Keith Dennis, County Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: SU-10-10/Parcel Number 401-84-005A & 005E

DATE: May 26, 2010

The applicant currently owns a 16 acre site and plans to cultivate a vineyard as well as a small, boutique winery with a wine tasting room. The applicant estimates up to 4 employees with occasional delivery trucks expected to access the site. The average traffic generated would include an estimated 10 trips associated with the proposed residential use; seasonal trips associated with the vineyard cultivation and tourist/customer related trips attracted to the winery and wine tasting activity.

The closest match to this activity in the ITE Manual, 7th ed. would be a specialty retail service which estimates a low end of about 6 additional trips per day (based on estimated square footage of the new use) to a higher end of about 80 trips per day (based on total employees). This use is likely to generate something between these two numbers but even at the high end of this estimate is likely to generate fewer trips than this site would if fully built out as a RU-4 residential area.

The applicant's property is accessed via Highway 181, east to the Kuykendall Cutoff Rd, then north to the corner of Highway 181 and Braayton Ranch Rd. At the time of this application for a Special Use Permit the applicant planned to take access directly from the State Highway.

Recommendations

Regardless of which access the applicant might choose to use (onto State Highway 181 or onto the privately maintained Braayton Ranch Rd to the highway), the applicant will need to obtain an ADOT Right-of-Way permit and comply with any conditions for commercial access that ADOT would request in order to have legitimate and legal access to this site. Given the relatively low traffic impacts that this use would likely create ADOT *may* not require a full commercial driveway but the ultimate width and standards are entirely within ADOT standards. Given the relatively remote location and that virtually all of Cochise County is located within open range, ADOT may also require an ADOT standard cattle-guard. An ADOT inspected and approved driveway would be required prior to operations OR an improved access apron at Braayton Ranch Rd.

Prior to doing any work in the ADOT ROW the applicants should contact the ADOT, Safford

District's Permit office for an Encroachment Permit. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915 for additional information.

cc: Docket SU 10-10, ADOT, Highway Dept.

SPECIAL USE: Docket SU-10-10 (Kovacs)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons: This development will be a positive addition to the neighborhood. Cochise County should encourage more site built structures and such strong entrepreneurial spirit.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

D. Louise Henderson

SIGNATURE(S):

Louise Henderson

YOUR TAX PARCEL NUMBER: 40184002F, E, D (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 6396 N. Schilling Ranch Road, Willcox, AZ 85643

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on May 31, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Planner: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

RECEIVED

MAY 3 2010

COCHISE COUNTY

SPECIAL USE: Docket SU-10-10 (Kovacs)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

Good for the Area and
will provide employment

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Robert S. Weaver

Jane A. Weaver

SIGNATURE(S):

Robert S. Weaver

Jane A. Weaver

YOUR TAX PARCEL NUMBER: 401-83-008 (the eight-digit identification number found on the tax statement from the Assessor's Office)

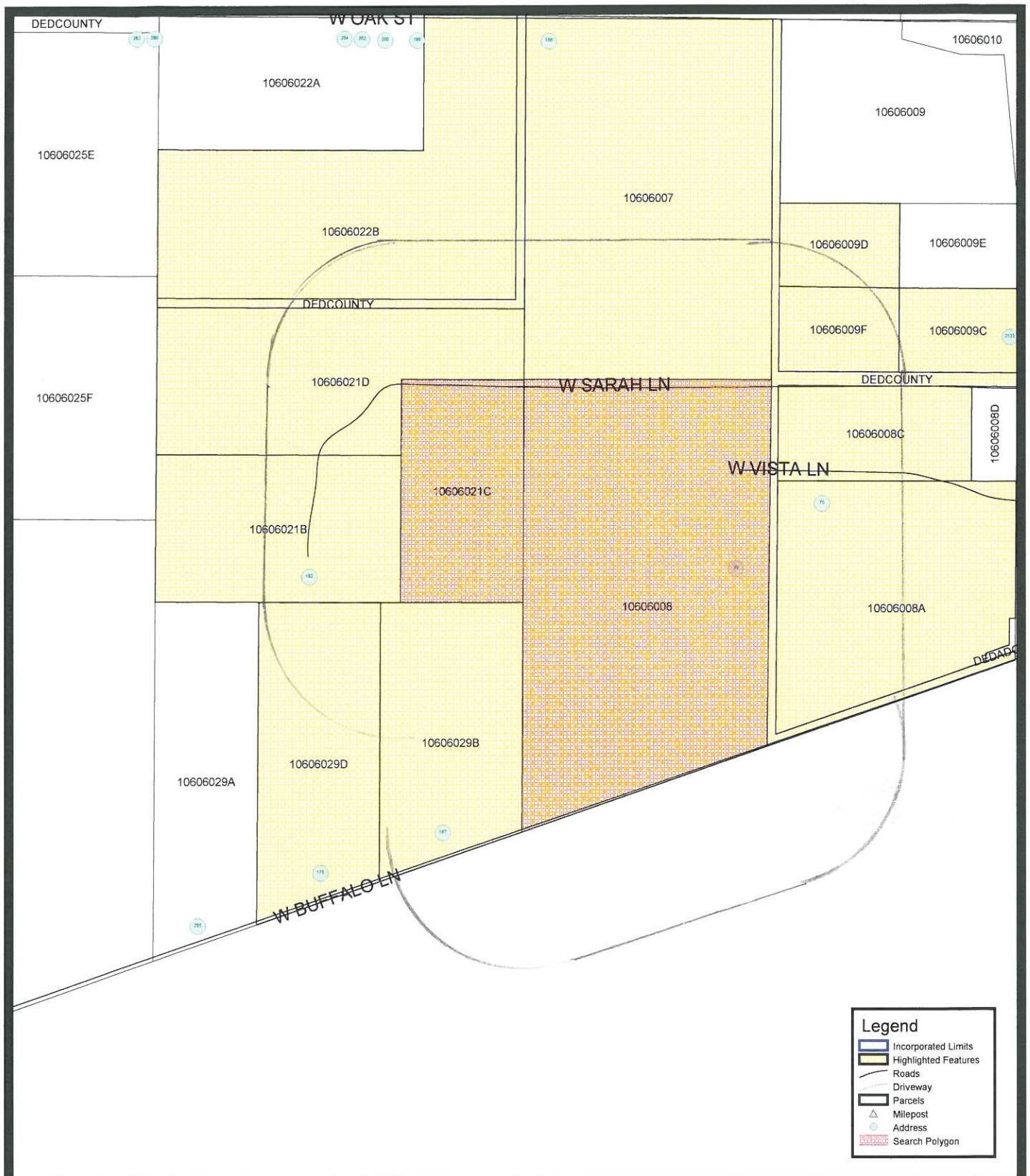
YOUR ADDRESS

Corner of Hwy 181 & Turkey Creek Rd.

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on May 31, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Planner: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278



Legend

- Incorporated Limits
- Highlighted Features
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Search Polygon



SU-90-06AA
McMillan
106-06-008 &
106-06-021C
300' Buffer

This map is a product of the
Cochise County GIS





COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner

For: Benny J. Young, P.E., Planning Director

SUBJECT: Docket SU-90-06AA (McMillan)

DATE: May 27, 2010, for the June 9, 2010 Meeting

APPLICATION FOR A SPECIAL USE

Docket SU-90-06AA (McMillan): The Applicant seeks to modify an approved Special Use Permit to allow an expansion of the existing Mountain View RV Park (originally permitted under Docket SU-90-06 and subsequently modified per Docket SU-90-06A). The expansion would allow for up to 52 additional spaces beyond the 100 spaces originally permitted on Parcel 106-06-008. The project would now incorporate adjacent Parcel 106-06-021C.

The above-referenced parcels are located at 99 West Vista Lane, in Whetstone, AZ. The Applicant is George McMillan of Mountain View RV Park.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 14.22 Acres

Zoning: RU-4 (Rural – 1 Dwelling per 4 Acres)

Growth Category: B (Community Growth Area)

Plan Designation: Developing

Area Plan: None Applicable

Existing Uses: Mountain View RV Park (Parcel 106-06-008); Undeveloped Land (Parcel 021C)

Proposed Uses: Expansion of existing RV Park to include up to 8 new RV spaces on Parcel 008, and 44 on Parcel 021C

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Undeveloped Land
South	RU-4	Undeveloped Land, Rural Residential
East	GB	RV Dealership, Commercial
West	RU-4	Single Family Residential

II. PARCEL HISTORY

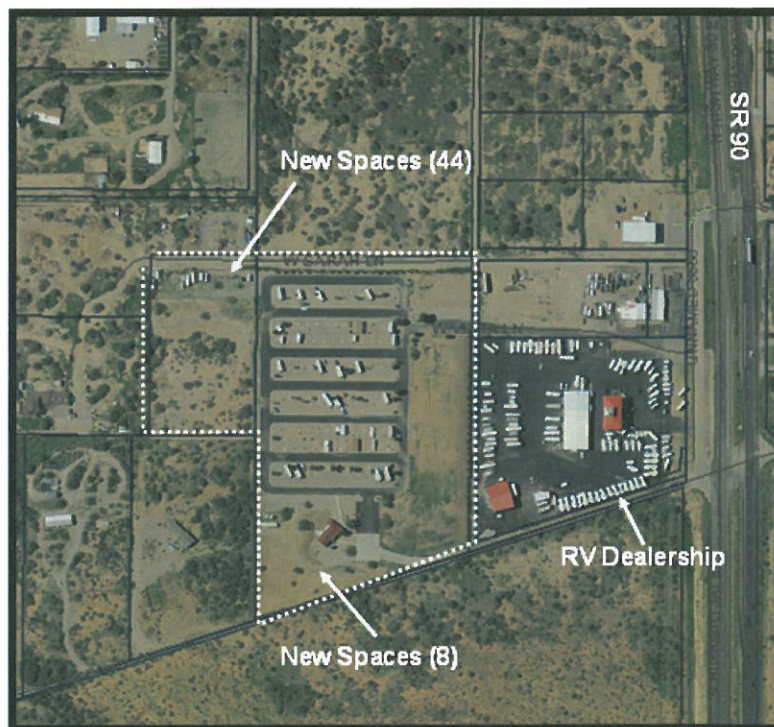
1990 – Establishment of Mountain View RV Park, per Docket SU-90-06.

2002 – Planning Commission waives screening requirement for South and West property lines, per Docket SU-90-06A;

2006 – Commercial Permit to replace a 2,000 square foot office building with a 1,440 square foot modular building.

III. PROJECT DESCRIPTION

George McMillan, who owns several RV parks in Arizona, recently purchased Mountain View RV Park and now seeks to expand it. The proposal would create an additional eight RV spaces along the Southern property boundary, and up to 44 additional spaces on an adjacent parcel also owned by the Applicant. The interior driveways would be paved to match the existing driveways and the points of access to the park would remain unchanged. The proposal would also include a swimming pool and shuffleboard amenities for customers.

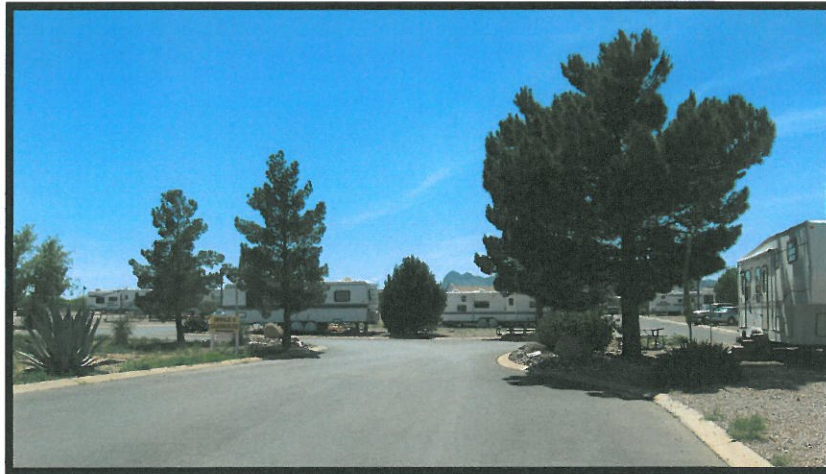


As discussed in Section II of this Memo, above, a subsequent owner applied for and was granted a Modification to the approved Special Use, waiving the screening requirement along the South and West property boundaries. The proposal currently under consideration carries a similar request (See Section VIII of this Memo, below).

The project site is primarily accessed through Vista Lane, adjacent to the (unrelated) RV City dealership. However, the park has an additional access along Buffalo Lane. Both of these streets provide direct access to the SR 90 Right-of-Way.

IV. ANALYSIS OF IMPACTS - COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of ten criteria staff uses to evaluate Special Use applications. These are considered factors in determining whether or not to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the ten criteria apply to this request. The project complies with four factors as submitted; with the recommended Conditions of Approval and requested modifications to site development standards, the proposal would comply with each of the nine applicable factors.



Westward view of the Mountain View RV Park entrance along Vista Lane

A. Compliance with Duly Adopted Plans: Complies

The project would be an extension of an existing development, where adequate sewer, water and road infrastructure exist to accommodate the expansion. In this sense, the Developing Plan Designation as presented in Section 201.B.3 of the Comprehensive Plan describes the proposal. Section 102.1.A.7 prescribes "urban improvement standards" for Category B Growth Areas, and the Applicant intends to provide improvements built to such standards (with the exception of certain requested modifications as discussed below).

B. Compliance with the Zoning District Purpose Statement: Complies

As a proposed expansion of an existing commercial land use, the project would comply with several of the purpose statements offered in Article 12, most notably 1201.03, which encourages concentration of commercial land uses in areas already developed as such.

C. Development Along Major Streets: Complies

The proposed expansion would not create any new points of access to any street.

D. Traffic Circulation Factors: Complies (Subject to Condition #2)

The expanded RV Park as proposed would preserve the function of surrounding streets, particularly with regard to its proximity to an arterial roadway (State Highway 90). As part of the initial Special Use approval, the original Applicant entered into a private maintenance agreement

with the County for the portion of Buffalo Lane between the RV park driveway and the ADOT Right-of-Way.

However, the apron from Buffalo Lane onto the ADOT Highway 90 frontage road is in a state of disrepair. ADOT and County staff recommend that, prior to the issuance of a certificate of occupancy for the expanded RV park, the Applicant repair the Buffalo Lane roadway connection to the ADOT frontage road for an estimated distance of about 50–70 feet from the ADOT Right-of-Way line and as needed within the ADOT Right-of-Way to ADOT standards.



Above: Looking Northwest at the Buffalo Lane entrance. Eight additional RV spaces are proposed along the left side of the photo. Below: Buffalo Lane/SR 90 frontage road apron. Condition #2 would require improvements to this apron.



E. Adequate Services and Infrastructure: Complies (Subject to Conditions #2 and #3)

The off-site improvements recommended in Condition #2 would ensure compliance with this Factor.

The initial approval of the Special Use in 1990 included conditions requiring contributions to road improvements along the Highway 90 corridor per ADOT standards; other businesses in the area were also required to contribute to road improvements. Such requirements have resulted in an acceleration lane being provided for southbound traffic from the Buffalo Lane intersection, as

well as wide shoulders along this section of highway. Additionally, a fixed median separates traffic and provides dedicated left turn lanes sufficiently large for the turning radii of RV units.

Although the project currently takes access from Vista Lane, ADOT does not have a Joint Use Permit on file for the current use. A Joint Use Permit would ensure that responsibility for future maintenance and improvements to the Vista Lane access to the ADOT Right-of-Way would be shared by the businesses using the road, including the Applicant (see Attachment D: Transportation Planner's Memo). Staff recommends, as Condition of Approval #3, that the Applicant obtain a Joint Use Permit from ADOT for the Vista Lane access to the SR 90 Right-of-Way, prior to the issuance of a certificate of occupancy.

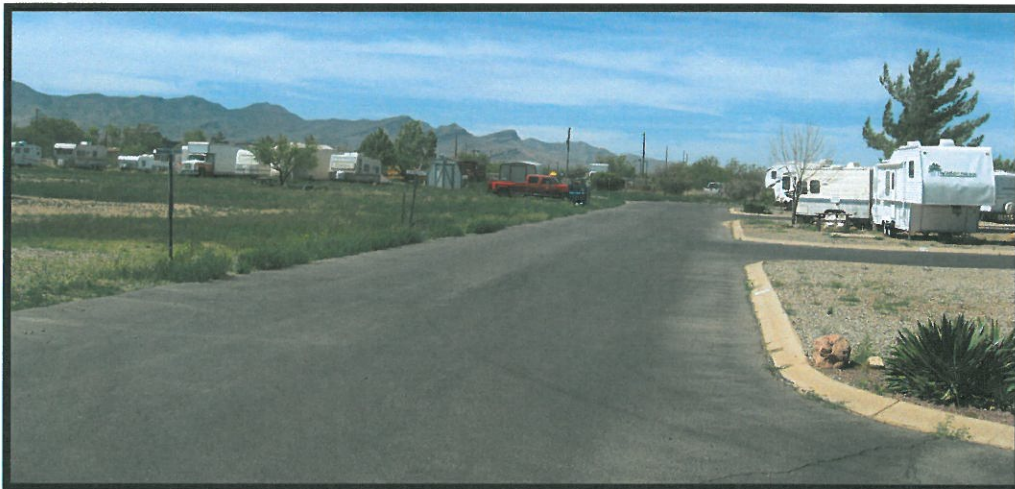
F. Significant Site Development Standards: Complies (Subject to Requested Modifications)

The Applicant can meet most site development standards, but has requested three modifications to the required standards. Attached is the Applicant's request, and includes requests concerning screening, parking space dimensions and sidewalk requirements.

G. Public Input: Complies

The Applicant completed the required Citizen Review as part of the Special Use Application process, and received no response. The County has also completed its required legal noticing and property owner notification. To date, the Department has received no response from neighbors for or against the proposed expansion of the Special Use.

H. Hazardous Materials: Not Applicable



Northward view of the existing internal streets along the Western boundary of the park. The proposed expansion would take place on the undeveloped parcel at left.

I. Off-Site Impacts: Complies (See Condition #5)

The Applicant's Special Use Questionnaire states that watering will be used to mitigate dust impacts, and the County Floodplain Department has indicated in their comments that Best Management Practices must be used during construction, as more than one acre of land would be disturbed.

Condition #5 is a standard condition applied to all Special Use approvals, reminding Applicants of their responsibility for obtaining additional permits, or meeting other conditions and requirements of other County Departments, State and/or Federal agencies.

J. Water Conservation: Complies (Subject to Condition #4)

The project site is located within the Sierra Vista Sub-Watershed Policy Plan area, and is therefore subject to the water conservation measures described in that document. Staff recommends, as Condition of Approval #4, that the Applicant demonstrate compliance with the Sub-Watershed policies outlined in the Plan where applicable, prior to issuance of a permit.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,000 feet. Staff posted the property on May 10, 2010, and published a legal notice in the *San Pedro Valley News-Sun* on May 20, 2010. To date, staff has received no additional input from neighbors regarding the proposal.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The project would comply with applicable Comprehensive Plan policies and with the intent of the General Business District. With the recommended conditions, the project would also comply with each of the nine applicable Special Use factors, as well as the Sierra Vista Sub-Watershed Water Conservation Policy Plan.
2. Due to previous improvements to the surrounding road network as well as its location near a State Highway, the project would be adequately served by the surrounding transportation infrastructure.
3. The proposal represents an expansion of an existing use in an area where a number of RV-related businesses already exist.

Factor Against Approval

None Apparent.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request.

Sample Motion: *Mr. Chair, I move to approve Docket SU-90-06AA, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff memorandum.*

Recommended Conditions of Approval:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the modified Special Use, the Applicant shall apply for and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use Permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.
2. Prior to the issuance of a certificate of occupancy, the Applicant shall resurface the Buffalo Lane roadway connection to the ADOT SR 90 frontage road for a minimum distance of at least 50-70 feet from the ADOT Right-of-Way line, and as needed within the ADOT Right-of-Way to ADOT standards.
3. Prior to issuance of a certificate of occupancy, the Applicant shall complete and submit a Joint Use Permit Application to ADOT for the shared use of the Vista Lane access to SR 90 Right-of-Way.
4. Prior to issuance of a permit, the Applicant shall demonstrate compliance with the policies of the Sierra Vista Sub-Watershed Water Conservation Policy Plan, where applicable.
5. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
6. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant requests the following Modifications/Waivers to site development standards (See Attachment F):

1. That the requirement of Section 1804.09, requiring parking spaces to be 9' x19' minimum, be modified to allow 8.5' x 19' spaces;
2. That the Section 1812.10 requirement for sidewalks along one side of the RV park streets be waived; and
3. That the 1812.06 requirement for screening in the park be waived.

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Transportation Planner's Memo

E. Citizen Review Report

F. Request for Modifications to Site Development Standards



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 106-06-008 & 106-06-021C

APPLICANT: George McMillan

MAILING ADDRESS: 99 West Vista Lane, Huachuca City, AZ 85616

CONTACT TELEPHONE NUMBER: (520) 456-2860

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: _____

DATE SUBMITTED: _____

Special Use Permit Public Hearing Fee (if applicable)	\$ 300.00
Building/Use Permit Fee	\$ N/A
Total paid	\$ 300.00

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? RV Park and Vacant

2. What is the proposed use or improvement? RV Park

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Rental or spaces for recreational vehicles (RV). This activity will not have any significant impact on neighboring properties since an RV park already exists immediately east of this site.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

Rental of spaces for RV's.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

N/A.

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased X if phased, describe the phases and depict on the site plan.

Phase 1 = swimming pool.

Phase 2 = RV spaces-new parcel.

Phase 3 = RV spaces along Bufalo Lane.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: M-Sat Hours (from 8 AM to 5 PM)

B. Number of employees: Initially: 3 Future: 3
Number per shift Seasonal changes N/A.

C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site.

Existing ADT = 500 Additional ADT = 260

- (2) Total trucks (e.g., by type, number of wheels, or weight)

N/A.

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Traffic will enter/exit site via main access road and via Bufalo Lane.

- (4) If more than one direction, estimate the percentage that travel in each direction

50% main access and 50% Bufalo Lane.

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest

8AM to 2PM, October to March (seasonal).

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day 45,000 gpd per year _____

E. Will you use a septic system? Yes X No ____ If yes, is the septic tank system existing? Yes ____ No X
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes X No ____

D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): _____ private road or easement**

_____ County-maintained road

X State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached _____ NA X

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private Well	
Sewer/Septic	Private on-site septic	
Electricity	Sulfur Springs Valley Electric Co.	
Natural Gas	N/A	
Telephone	Qwest	
Fire Protection	N/A	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Swimming pool, shuffle board.

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No X if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____
3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No X if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____
5. Will odors be created? Yes ___ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____
6. Will any activities attract pests, such as flies? Yes ___ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____
7. Will outdoor lighting be used? Yes X No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ___ No X If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. _____ B. _____ C. _____ D. _____
9. Will any new signs be erected on site? Yes ___ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes ___ No X

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ___ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Chip seal.

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The proposed expansion of the RV Park has been designed to control the release of storm water with detention basins and areas for water harvesting.
The post-development peak discharge will be less than or equal to
pre-development conditions.

2. How many acres will be cleared? 3 ac.

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

Watering during grading operations.

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature George McMillan

Date signed 4-19-2010

1. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION.

- [illegible]

A.P.N. 106-06-0289

DETAIL AREA 'A'

SHEET SP1.1

PARCEL 7
A.P.N. 106-06-0215

100 EXISTING
RV SPACES

OFFICE

RUE LAURE

PARCEL 1
A.P.N. 106-06-0289

DETAIL AREA 'B'

SHEET SP1.1

SARAH LANE

[illegible]

BASIS OF ELEVATION

1. THE BASE OF BEARING IS THE MOVEMENT LINE OF OAK STREET, ALSO BEING THE CENTERLINE OF THE HIGHWAY. THE DISTANCE FROM THE CENTERLINE TO THE RECORDS MEET PIER AT SHIPPS CROSSROADS IS NORTH 80 DEGREES 5 MINUTES 40 SECONDS WEST 79' 6 INCHES.

2. THE BASE OF BEARING IS THE MOVEMENT LINE OF SHIPPS CROSSROADS, ALSO BEING THE CENTERLINE OF THE HIGHWAY. THE DISTANCE FROM THE CENTERLINE TO THE RECORDS OF COACHE COUNTRY, ARIZONA, IS SOUTH 89 DEGREES 55 MINUTES 40 SECONDS WEST 79' 6 INCHES.

REQUEST FOR MODIFICATIONS

1. REQUEST A SIX (6) PARKING SPACES (INCLUDED 9' X 16' PER ADA) ON PARKING AREA DESIGNATED "A".

2. REQUEST TO WAIVE THE REQUIREMENT OF SIDEWALK ON ONE SIDE OF THE PROPOSED DRIVEWAY.

3. REQUEST WITHIN A CATEGORY B GROWTH AREA.

4. REQUEST TO CHANGE 14' 26" SCREENING TO A 10' WIDE BUFFER/VAPOUR WITH EXISTING

REQUEST FOR MODIFICATIONS

REQUIREMENT 5.1.17 PARKING SPACES (REQUIRED 9' X 19' PER 100.00 PARKING AREA DESIGN) IS UNREASONABLE.

REQUIREMENT 5.1.18 THE REQUIREMENT OF SIDEWALK ON ONE SIDE OF THE PROPOSED STREET WITHIN A CATEGORY 9 GROWTH AREA.

REQUIREMENT 5.1.19 8' HIGH CHAIN LINK FENCE AND A 10' WIDE BUFFER/PAVING WITH EXISTING RECORDS OF COCHISE COUNTY, ARIZONA.

THE BASIS OF BEARING IS THE EQUIPMENT LINE OF OAK STREET, ALSO KNOWN AS THE NORTH LINE OF SECTION 24, T18N, A BEARING OF N10E BY 86.00 FEET TO S 1/4 CORNER 40 RECORDS OF COCHISE COUNTY, ARIZONA.

1. REQUEST: 8.5 X 19' PARKING SPACES (REQUIRED 9' X 19' PER 1994.09 PARKING AREA DESIGN STANDARDS).
2. REQUEST: TO WAIVE THE REQUIREMENT OF SIDEWALK ON ONE SIDE OF THE PROPOSED STREETS WITHIN A CATEGORY B GROWTH AREA.
3. REQUEST: TO HIGH CHAIN LINK FENCE AND A 10' WIDE BUFFERYARD WITH EXISTING LANDSCAPE TO SATISFY 181226 SCREENING

SCALE: NOT TO SCALE
A PORTION OF SECTION 24, T20S, R 18E
G&SRM, COCHISE COUNTY, ARIZONA

OWNER:
GEORGE MCMLLEN
99 W. VISTA LANE
HUACHUCA CITY, AZ 85616
P: 520.456.2869

CIVIL ENGINEER:
SONORAN ENGINEERS
7330 N. ORACLE RD. STE. 200
TUCSON, AZ 85704
P: 520.575.0730
F: 888.480.7540

CONTACT: GREGORY D. SANTORO, P.E.

1. CURRENT ZONING: RU-4
2. USE: EXISTING RV PARK
3. ASSESSORS PARCEL NUMBERS (A.P.N.): 106-06-031C and 106-06-009

4. TOTAL LOT AREA: 617,742 SF (14.48 ACRES)
5. TOTAL BUILDING AREA: 151,510 SF (3.51 ACRES)
6. A.P.N.: 000-000-010; 451,510 SF (10.30 ACRES)
7. A.P.N.: 000-000-011; 451,510 SF (10.30 ACRES)
8. MAXIMUM BUILDING HEIGHT ALLOWED: 35 FEET
9. ACCESSORY STRUCTURE: 20 FEET ABOVE GRADE
10. WALL ON FENCE: 8 FEET ABOVE GRADE
11. UNSTRUCTURE: 8 FEET ABOVE GRADE
12. FRONT: 10 FEET
13. UNSTRUCTURE: 8 FEET ABOVE GRADE
14. SIDE: 7.5 FEET (10 FEET ALONG STREET)
15. REAR: 7.5 FEET (10 FEET ALONG STREET)
16. UNSTRUCTURE: 8 FEET ABOVE GRADE
17. UNSTRUCTURE: 8 FEET ABOVE GRADE
18. SIDE: 7.5 FEET (10 FEET ALONG STREET)
19. REAR: 7.5 FEET (10 FEET ALONG STREET)
20. MAXIMUM SITE COVERAGE ALLOWED: 75 PERCENT
21. SITE COVERAGE PROVIDED: 75 PERCENT
22. PARKING PROVIDED: 52 SPACES (IN 19)
23. PARKING PROVIDED: 52 SPACES (IN 19)
24. ONE SPACE PER DWELLING UNIT
25. PARKING PROVIDED: 52 SPACES (IN 19)
26. THE EXPANSION AREA OF THE NEW PARK WILL BE SERVED BY AN ON-SITE PEST SYSTEMS.

COVER SHEET AND GENERAL NOTES
SITE PLAN
SITE DETAILS

SITE PLANS

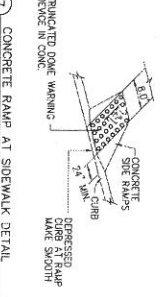
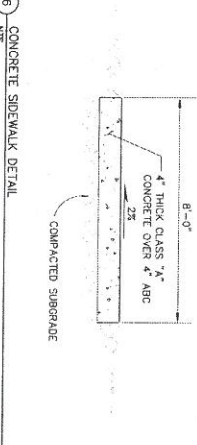
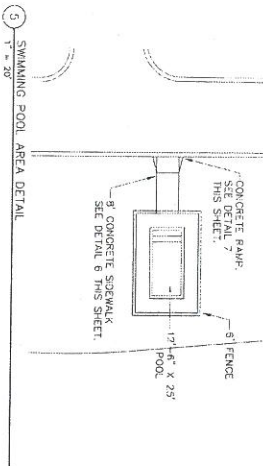
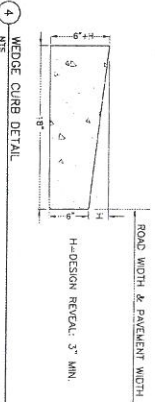
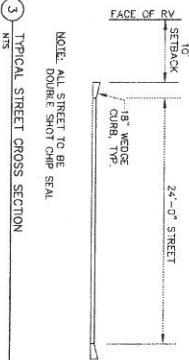
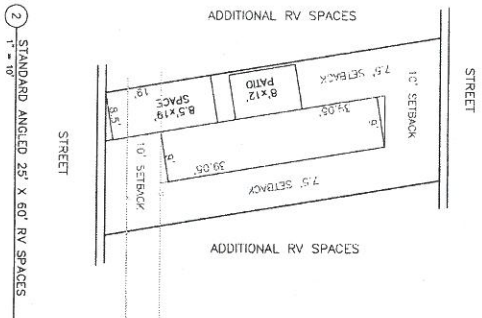
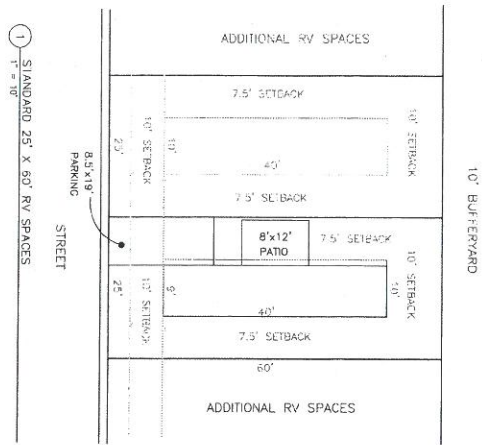
MOUNTAIN VIEW RV PARK

99 W. VISTA LANE, HUACHUCA CITY, ARIZONA 85616
A PORTION OF SECTION 24, T29S, R19E, G&SRBM, COCHISE COUNTY, ARIZONA



SONORAN ENGINEERS, LLC
CIVIL ENGINEERING, PLANNING, DESIGN, MANAGEMENT
7330 N. Oracle Road, Suite 200
Tucson, Arizona, 85704
T 520.575.0730 F 888.480.7540
www.sonoranengineers.com

C₆₂



SITE DETAILS

SITE PLANS
MOUNTAIN VIEW RV PARK

99 W. VISTA LANE, HUACHUCA CITY, ARIZONA 85616
A PORTION OF SECTION 24, T20S, R19E, G2S2N, COCHISE COUNTY, ARIZONA

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PLAN NO. _____

PROJECT 1001

DATE 04/21/16

SCALE AS SHOWN

DESIGNED BY GCS

CHECKED BY GCS

DATE 04/21/16

SCALE AS SHOWN

3 OF 3

SP1.2



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240 Fax 432-9278
Benny J. Young, P.E., Director

MEMORANDUM

TO: Keith Dennis, County Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: SU-10-10/Parcel Number 401-84-005A & 005E

DATE: May 26, 2010

The applicant currently owns a 16 acre site and plans to cultivate a vineyard as well as a small, boutique winery with a wine tasting room. The applicant estimates up to 4 employees with occasional delivery trucks expected to access the site. The average traffic generated would include an estimated 10 trips associated with the proposed residential use; seasonal trips associated with the vineyard cultivation and tourist/customer related trips attracted to the winery and wine tasting activity.

The closest match to this activity in the ITE Manual, 7th ed. would be a specialty retail service which estimates a low end of about 6 additional trips per day (based on estimated square footage of the new use) to a higher end of about 80 trips per day (based on total employees). This use is likely to generate something between these two numbers but even at the high end of this estimate is likely to generate fewer trips than this site would if fully built out as a RU-4 residential area.

The applicant's property is accessed via Highway 181, east to the Kuykendall Cutoff Rd, then north to the corner of Highway 181 and Braayton Ranch Rd. At the time of this application for a Special Use Permit the applicant planned to take access directly from the State Highway.

Recommendations

Regardless of which access the applicant might choose to use (onto State Highway 181 or onto the privately maintained Braayton Ranch Rd to the highway), the applicant will need to obtain an ADOT Right-of-Way permit and comply with any conditions for commercial access that ADOT would request in order to have legitimate and legal access to this site. Given the relatively low traffic impacts that this use would likely create ADOT *may* not require a full commercial driveway but the ultimate width and standards are entirely within ADOT standards. Given the relatively remote location and that virtually all of Cochise County is located within open range, ADOT may also require an ADOT standard cattle-guard. An ADOT inspected and approved driveway would be required prior to operations OR an improved access apron at Braayton Ranch Rd.

Prior to doing any work in the ADOT ROW the applicants should contact the ADOT, Safford

District's Permit office for an Encroachment Permit. Permit information is available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915 for additional information.

cc: Docket SU 10-10, ADOT, Highway Dept.



SONORAN ENGINEERS, LLC

CIVIL ENGINEERING • PLANNING • DESIGN • MANAGEMENT

April 21, 2010

Subject: Mountain View RV Park Expansion
Special Use Permit Application
Parcels 106-06-008 and 106-06-021C

Susana Montana
Cochise County Planning Department
1415 Melody Lane
Bisbee, Arizona 85603

Ms. Montana,

Attached are the responses received to date by Sonoran Engineers, LLC to the April 9, 2010 mailing regarding the proposed expansion to the Mountain View RV Park on Parcels 106-06-008 and 106-06-021C.

Sincerely,


J. Lorenzo Ortiz, P.E.
Project Engineer

E 67

DEAR SIRs ;

I do NOT HAVE ANY PROBLEMS
OR CONCERNS WITH MT. VIEW R.V.
PARK'S EXPANSION PLANS.

KENNETH A. BOVEN

Kenneth A. Boven 4-12-10

106-06-029D

F

68



SONORAN ENGINEERS, LLC

CIVIL ENGINEERING • PLANNING • DESIGN • MANAGEMENT

April 21, 2010

Subject: Mountain View RV Park Expansion
Special Use Permit Application
Modification Request Letter

Susana Montana
Cochise County Planning Department
1415 Melody Lane
Bisbee, Arizona 85603

Ms. Montana,

Please accept this letter as a request for modifications to the *Cochise County Zoning Regulations, Article 18, Site Development Standards*. The modification requests are as follows:

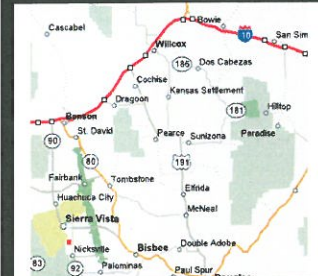
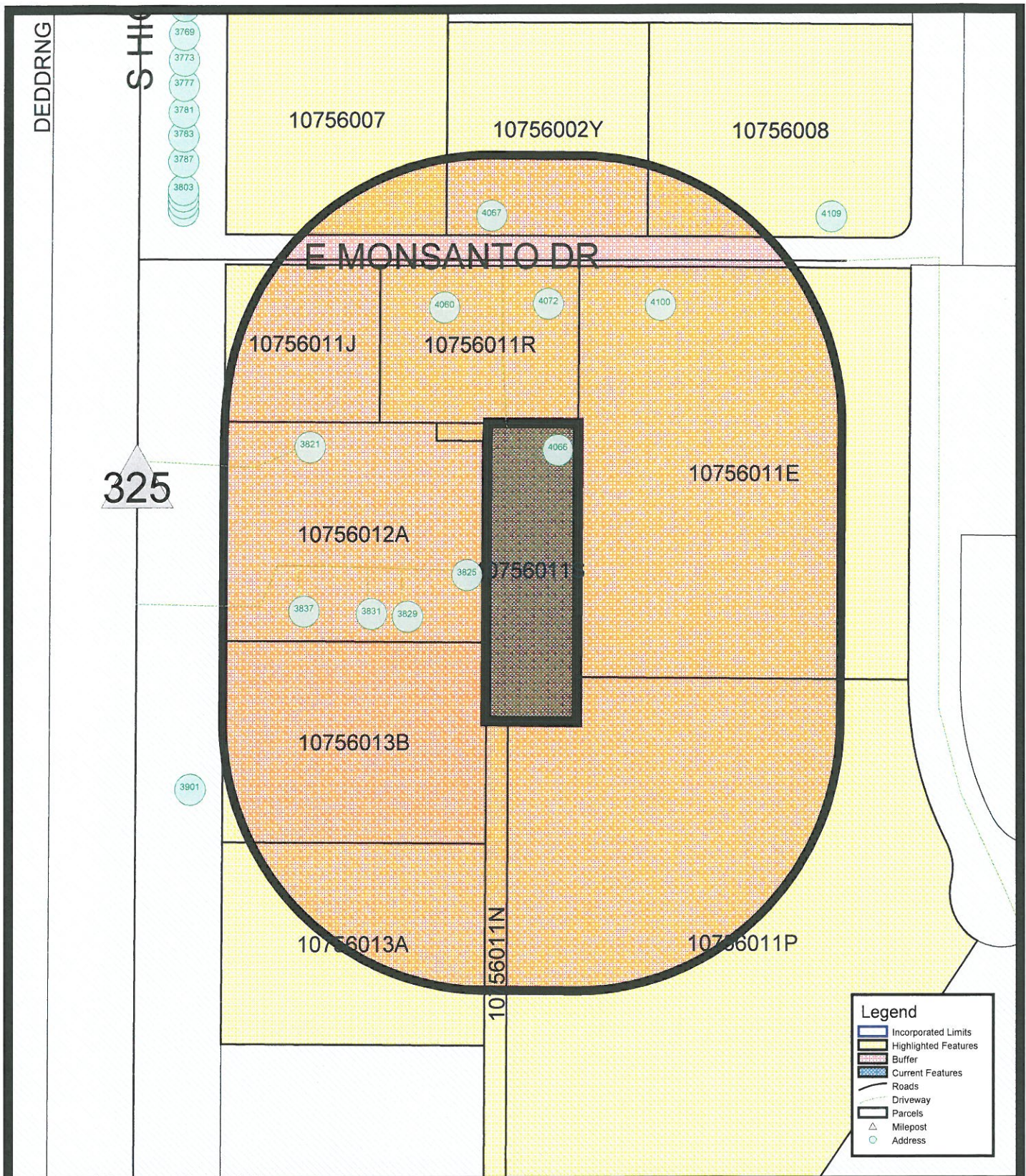
1. Request: 8.5'x19' Parking Space (Required 9'x19' per *1804.09 Parking Area Design Standards*).
2. Request: To waive the requirement of sidewalk on one side of the proposed streets within a Category B Growth Area.
3. Request: 6' high chain link fence and a 10' wide bufferyard with existing landscape to satisfy *1812.06 Screening*.

Sincerely,



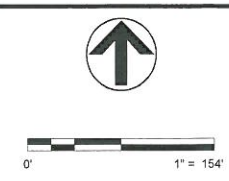
J. Lorenzo Ortiz, P.E.
Project Engineer

F 69



SU-10-09
Clark
107-56-011S
300' Buffer

This map is a product of the
Cochise County GIS





COMMUNITY DEVELOPMENT DEPARTMENT


Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

To: Planning and Zoning Commission
From: Michael Turisk, Interim Planning Manager 
For: Benny J. Young, P.E., Planning Director
Subject: Docket SU-10-09 (Clarke/ "4 Paws Inn")
Date: May 28, 2010 for the June 9, 2010 Planning & Zoning Commission meeting.

APPLICATION FOR A SPECIAL USE PERMIT

This is an application for a Special Use Permit in a GB (General Business) Zoning District in unincorporated Sierra Vista to establish and operate an overnight pet boarding facility, pursuant to Section 1205.04 (Animal husbandry services) of the County Zoning Regulations. The subject parcel is located at 4066 E. Monsanto Dr., just east of SR 92. The Applicant is Ms. Stephanie Clarke.

I. Description of Subject Parcel

Parcel Size: .79-acre
Parcel Number: 107-56-011S
Parcel Location: 4066 E. Monsanto Dr., east of SR 92 in unincorporated Sierra Vista.
Zoning: GB (General Business)
Area Plan(s): Sierra Vista Sub-watershed
Growth Area: Category A Urban Growth Area
Plan Designation: Enterprise
Existing Use(s): Pet daycare and retail pet supplies
Proposed Use(s): Overnight pet boarding

Zoning/Use of Surrounding Properties

Direction	Zoning	Use(s)
North	GB	commercial
South	GB	vacant
East	GB	commercial
West	GB	commercial

II. Parcel History

November 2005 - Permit issuance for a contract construction office;
August 2006 - Permit voided for contract construction services;
September 2006 - Permit issuance to legitimize a health counseling and fitness center;
January 2007 - Permit issuance to establish a retail sales business, tenant improvements, and a 16 sq.-ft. sign;
April 2007 - Permit to legitimize tenant improvements and change of use to contract construction services;
July 2007 - Permit issuance for one 32 sq.-ft. wall sign for High Desert Riding Gear; and
January 2008 - Special Use Permit approved for Stardancer Yachts.



Fig 1; 4 Paws Inn located at 4066 E. Monsanto Dr. in unincorporated Sierra Vista

III. Nature of the Special Use Request

This Special Use request is to permit overnight pet boarding services, pursuant to §1205.04 (Animal Husbandry) of the County Zoning Regulations. The “4 Paws Inn” is located in unincorporated Sierra Vista, just east of SR 92 on E. Monsanto Dr. The project site and adjacent parcels have a complex of steel and slab commercial structures known unofficially as the “Monsanto buildings.” These structures were constructed circa 2004, and each is partitioned to accommodate a host of commercial activities, including a martial arts studio and contract construction services, among others. The “4 Paws Inn” currently provides pet day care services and retail sales of pet supplies (pet daycare and retail sales are permitted uses in the General Business districts). However, due to the potential for off-site impacts -- particularly noise from concentrations of barking dogs -- overnight boarding facilities require Special Use Permits in the General Business zoning districts. The “4 Paws Inn” currently operates seven days from 7a.m. to 6p.m. The project is and would continue to be an indoor facility only, with no outdoor runs or kennels proposed. In addition, pets are and would continue to be contained within the 2,000 sq.-ft. space and under supervision during business hours. According to the Applicant, up to 25 dogs would be accommodated and two employees would maintain the facility.

IV. Analysis of Impacts

Compliance with Special Use Factors (Section 1716.02)

Sections 1716.02 of the Zoning Regulations provides a list of ten (10) criteria or factors to evaluate Special Use applications and are considered in the decision whether or not to approve this Special Use Permit and determine what conditions may be needed. Nine (9) of the criteria apply to this request. The proposed use complies with eight (8) factors and complies with Condition with one (1) factor.

A. Compliance with Duly Adopted Plans: Complies

The Comprehensive Plan indicates that this area is within a Category A Growth Area; these areas are characterized as having established or planned commercial development with the potential to be annexed by an adjoining incorporated jurisdiction. Furthermore, Category A Growth Areas are adequately served by community water and provide major regional commercial services.

In addition, the Comprehensive Plan indicates that this area of the County is designated "Enterprise." These are areas that typically have a high level of commercial or non-residential uses. Residential growth in "Enterprise" areas is considered undesirable. Regarding the project site and environs, it is proximate to incorporated Sierra Vista, the area has established and conspicuous non-residential uses and is served by community water.

B. Compliance with the Zoning District Purpose Section: Complies

The subject property is zoned General Business (GB). The project would comply with several of the GB purpose statements. For example, the commercial area is protected to large degree from incompatible residential development. Perhaps most appropriate, however, is the purpose statement which encourages concentration of commercial uses in established commercial areas.

C. Development Along Major Streets: Complies

The proposed use would not result in the creation of any new access points to any street in the area.

D. Traffic Circulation Factors: Complies

Primary access to the site is east from SR 92 via E. Monsanto Dr. However, a secondary access exists directly off the SR 92 right-of-way. ADOT has requested that delivery trucks use the E. Monsanto access point rather than the SR 92 secondary access.

The use is not expected to generate significant traffic volume, so impacts would be minimal. Furthermore, adequate right-of-way has been conveyed in this area and dedicated parking is sufficient (a Variance from the minimum parking requirements for the complex was approved by the District 1 Board of Adjustment in 2007).

E. Adequate Services and Infrastructure: Complies

There are adequate services and infrastructure available. Water is provided by Southland Utilities, power by the SSVEC and emergency services provided by the Fry Fire Department.

F. Site Development Standards: Complies

As noted, the project space is integrated into a larger commercial complex. Site development standards have been addressed as part of the permitting process for other commercial uses within the complex, most notably parking. Screening is not required because the GB property does not abut a residential zoning district. The minimum setback for Special Uses in GB districts that abut other GB districts is 80-feet. Staff recommends modifying this site development standard to allow the existing setbacks along the east, south and west property boundaries because of the lack of residential zoning and uses in this area (*see – Attachment B*).



Fig 2; E. Monsanto Dr. access

G. Hazardous Materials: Not Applicable

There would be no use and/or storage of hazardous materials on the site.

H. Off-site Impacts: Complies

The nature of the use is such that there is concern over barking dogs that would disturb neighbors. However, the project site is within an established commercial area, adjacent to a State Highway and with no residential uses in the vicinity. Per the Applicant, the site would be cleaned and sanitized twice daily. As mentioned previously, dogs would be supervised during business hours.

I. Public Input: Complies

The Applicant completed the requisite Citizen Review process and mailed letters to 70 property owners within 1,000 feet of the site. According to the attached Citizen Review Report, the Applicant did not receive any mail, email or phone responses. However, 20 form letters and emails from local and out-of-area supporters were submitted by the Applicant (*see – Attachment E*).



Fig 3; 4 Paws Inn, including other commercial uses

J. Water Conservation: Complies with Condition 1

The application indicates that estimated daily total water use would be less than 25 gallons. The project site is located within the Sierra Vista Sub-Watershed; therefore the project is subject to the commercial water conservation measures detailed in the Policy Plan. If approved, Condition 1 requires the Applicant to demonstrate compliance with the applicable water conservation policies outlined in the Plan prior to issuance of a permit.

V. Public Comment

The Department mailed notice to neighboring property owners, published a legal ad in the *San Pedro Valley News-Sun* on May 20, 2010 and posted a legal notice on the property on May 18, 2010. To date, staff has received two (2) letters of support for the project.

VI. Summary and Conclusion

Factors in Favor of Approval

1. The subject parcel lies within a Category A Growth Area; these areas are characterized as having established or planned commercial development. In addition, this area of the County is designated "Enterprise;" these areas typically have numerous commercial or non-residential uses;
2. There are no residential uses in the area of the project site; and
3. To date, the Department has received two (2) letters of support for the project. In addition, the Applicant submitted 20 letters of support.

Factors Against Approval

1. Concentrations of barking dogs are potentially disruptive, unless barking is mitigated.

VII. Recommendation

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request.

Sample Motion: *Mr. Chair, I move to approve Docket SU-10-09, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff memorandum.*

Recommended Conditions of Approval:

1. Prior to permit issuance, the Applicant shall demonstrate compliance with the applicable policies of the Sierra Vista Sub-Watershed Water Conservation Policy Plan;
2. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject properties within thirty (30) days of approval of the Special Use Permit Modification. Prior to permit issuance, the Applicant shall submit and obtain building/use permits for the expansion within 12 months of approval, including a completed joint permit application. The building/use permit(s) shall include a site plan in conformance with this approval and meeting all site development standards (except those specifically waived or modified by the Planning Commission as part of this approval), the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of approval, otherwise the approval may be deemed void upon 30-day notification to the Applicant;
3. It is the Applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the proposed activities pursuant to other federal, state, or local laws or regulations; and
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

VIII. Attachments

- A. Special Use Permit Application
- B. Site Plans
- C. Aerial Map
- D. Staff Comments
- E. Citizen Review Letter, Report and Comments



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY PLANNING DEPARTMENT
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 107-56-0115

APPLICANT: Stephanie A Clarke / 4 PAWS INN

MAILING ADDRESS: 4066 E Monsanto Dr Unit D
Sierra Vista AZ 85650

CONTACT TELEPHONE NUMBER: 520-508-9483 or 520-378-7176
CALL Prior to SITE VISIT

PROPERTY OWNER (IF OTHER THAN APPLICANT): KQ Covenant Investments, LLC.

ADDRESS: PO Box 13205, Tucson, AZ 85732-3205

DATE SUBMITTED: 3/22/2010

Special Use Permit Public Hearing Fee (if applicable)

\$ _____

Building/Use Permit Fee

\$ _____

Total paid

\$ _____

CHECK # 1002

Keith D

3/22/2010

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that **nine (9)** copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect) **NO CONSTRUCTION ANTICIPATED**
2. Off-site Improvement Plans **NONE**
3. Soils Engineering Report **ON HAND AT COUNTY WHEN BUILDING BUILT**
4. Landscape Plan ✓ ✓ ✓ ✓ ✓ ✓ ✓
5. Hydrology/Hydraulic Report ✓ ✓ ✓ ✓ ✓ ✓ ✓
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist **N/A**
7. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
8. Material Safety Data Sheets **N/A**
9. Extremely Hazardous Materials Tier Two Reports **N/A**
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases **N/A**

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? General Business/Retail
2. What is the proposed use or improvement? Retail Pet Store (Dog, cats, birds)
Daycare & Boarding
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? SALES OF Pet Food, Supplies
possibly grooming, Daycare & Short term boarding

4. Describe all intermediate and final products/services that will be produced/offered/sold.

Small house pet Day care, Pet Retail
Short term boarding

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Steel on Slab - Built 2004

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased _____ if phased, describe the phases and depict on the site plan.

Existing Building

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 7 AM to 6 PM)

B. Number of employees: Initially: 2 Future: 2
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

not many

(2) Total trucks (e.g., by type, number of wheels, or weight)

NONE

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Hwy 92

(4) If more than one direction, estimate the percentage that travel in each direction

Don't know

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest?

No special heavy traffic time

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day less than 25 per year 2500

E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☒ No ☐
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes ☒ No ☐
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): ☐ private road or easement**
☐ County-maintained road
☒ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached ☐ NA ☒

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Southland Utilities	Seperate Meter
Sewer/Septic	Private	Connected
Electricity	SSVEC	Seperate Meter
Natural Gas	N/A	
Telephone	QWEST	Connected
Fire Protection		

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

NONE

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No ☒ If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No ☒ If yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No ☒ If yes, describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

Facility is cleaned & sanitized
twice Daily, more as needed

6. Will any activities attract pests, such as flies? Yes ___ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes ___ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. Existing Parking lot lights only

8. Do signs presently exist on the property? Yes ___ No ___ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

Not New Construction, But
will put a ~~sign~~ in EXISTING MARQUEE
(SIGN)

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes ___ No X Existing Approved Building

If yes, will storm water be directed into the public right-of-way? Yes ___ No X

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ___ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Existing Paved Pavement

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? _____

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

N/A

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes ____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

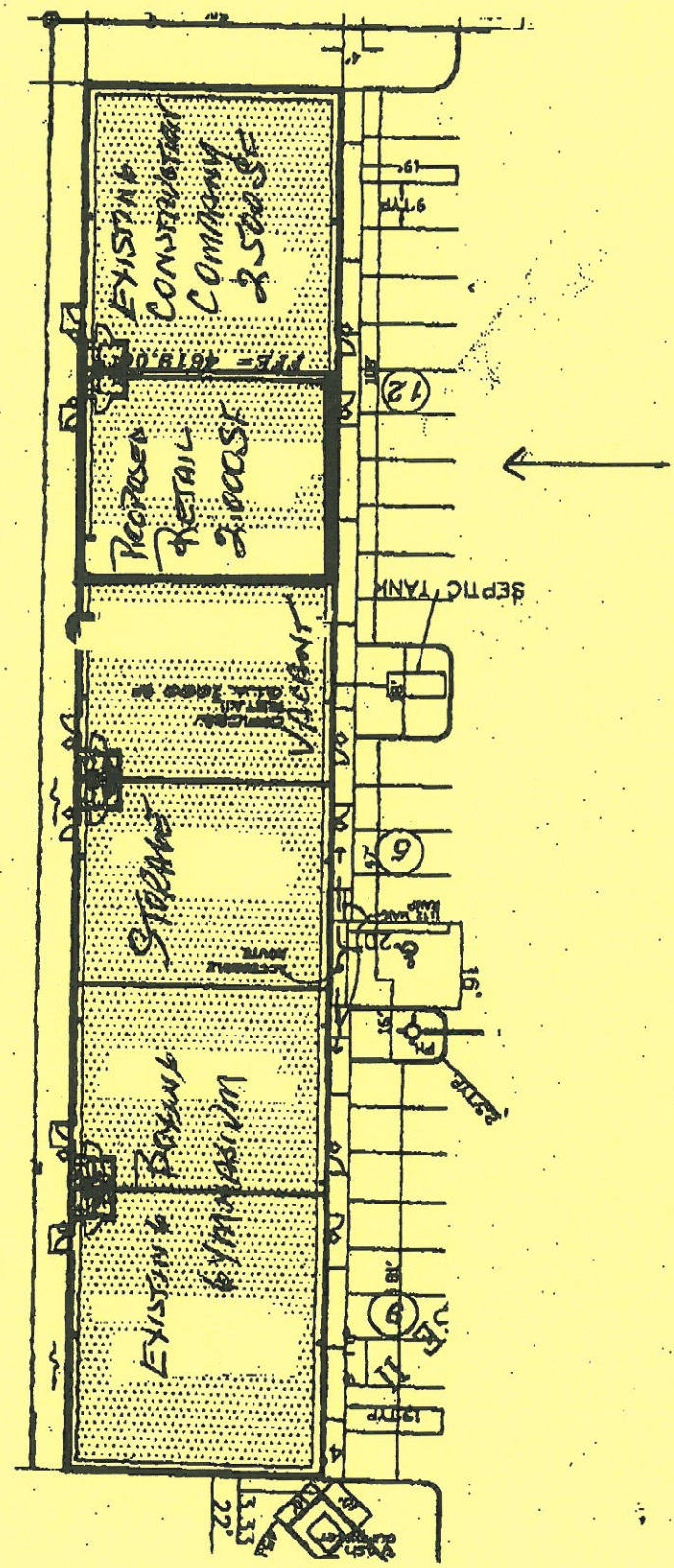
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

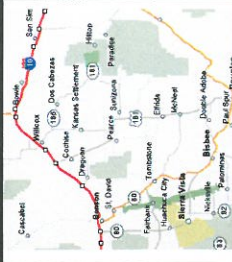
SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Date signed 3/17/10



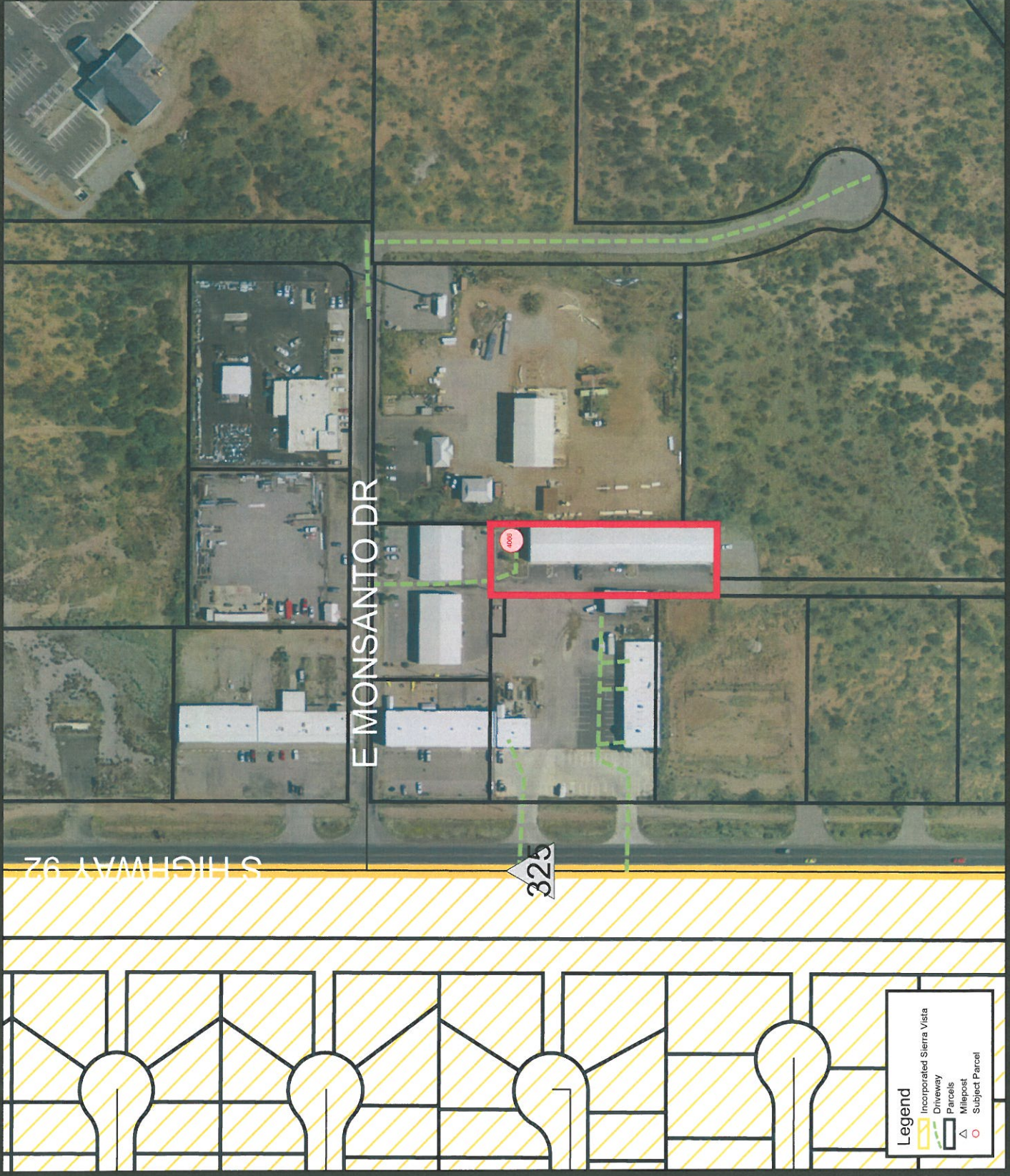


SU-10-09
(Clarke/4 Paws Inn)

This map is a product of the
Cochise County GIS



0' 1" = 200'



- Legend**
- Incorporated Sierra Vista
 - Driveway
 - Parcel
 - Milepost
 - Subject Parcel

This document is a graphic representation only of best available sources.
Cochise County assumes no responsibility for any errors.

murik 2010-05-07 16:26:08
(\\cappm3\\Geodary\\Ecompass\\Admin\\Meta\\View.Mdb)

Turisk, Mike

From: McGee, Michael
Sent: Thursday, May 13, 2010 7:18 AM
To: Turisk, Mike
Subject: RE: SU-10-09 Transmittal (4 Paws Inn in Sierra Vista)

Hi Mike,

Since this complex is on an existing septic system we have no concerns.

Thanks, Mike

Michael McGee, RS
Environmental Health Director
Cochise County Health Dept.
mmcgee@cochise.az.gov
Benson 520-586-8206
Bisbee 520-432-9444

From: Turisk, Mike
Sent: Friday, May 07, 2010 5:10 PM
To: Young, Benny; Flores, Dora; Corley, Rick; basnar@cox.net; brabec@cox.net; Jim Lynch; Lamberton, Karen; 'dbrush@ci.sierra-vista.az.us'; info@fryfiredistrict.com; Pregler, Lola; McGee, Michael; Garcia, Luis; Dee Crumbacher; AMembrila@azdot.gov; Vlahovich, Jim
Subject: SU-10-09 Transmittal (4 Paws Inn in Sierra Vista)
Importance: High

All,

Your comments are requested for a proposed small pet boarding facility located in the 'Monsanto building' in unincorporated Sierra Vista. Please see the attached transmittal for additional details. This Special Use Permit request will be considered by the Planning and Zoning Commission on June 9, 2010.

Thank you in advance for your time and consideration.

Sincerely,

Michael Turisk, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

"Public Programs; Personal Service"
www.cochise.az.gov

5/13/2010

87



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Benny J. Young, P.E., Director

MEMORANDUM

TO: Mike Turisk, Senior Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: 4 Paws Inn/Pet Boarding: Parcel #107-56-011S/SU-10-09

DATE: May 26, 2010

The applicant is seeking to operate a small pet boarding and pet accessory retail shop in an established commercial complex located on state highway 92 and Monsanto Dr. Access is available via dual driveways directly onto the state highway as well as additional access driveways into the complex from Monsanto Dr. A site visit found these access driveways in good repair and adequate paving surface throughout most of the complex with some intermittent areas that are in need of maintenance (although not directly adjacent to the proposed shop).

There is not an equivalent use for a small, rural daycare and short term boarding facility in the ITE Manual, 7th ed. The applicant estimates 2 employees with hours ranging from 7 a.m. to 6 p.m. and it is likely that most of this traffic will be off-peak and traveling from the metro Sierra Vista area to the north. Much like a specialty shop, this 2,000 square foot shop is likely to produce only minimal and intermittent trips throughout the day.

It was noted during the site visit that the applicant appeared to be in operation pending this Special Use process.

Recommendation

Given the very low estimated trip generation that would be created by this use there will be minimal off-site transportation impacts to the proposed use. Adequate right-of-way has been dedicated for the public roads in this area. Parking is adequate for the proposed use. No additional off-site mitigation is required at this time. The applicant should be advised that ADOT has requested that delivery trucks use the Monsanto Dr. access point to this complex rather than the dual driveway entrances that access directly onto state highway 92.

cc: Docket SU-10-09

You are invited to submit comments on our request
to change the use of our property located at:

4066 E Monsanto Dr Ste D

Sierra Vista, AZ 85650

Introducing the opening of our 3rd location, proudly
serving Southern Arizona since 2003!

4 PAWS INN, SIERRA VISTA

- *Offering Pet Daycare, Boarding & Holistic Pet Foods
- *With the capacity for up to approximately 25 dogs
- *Traffic will enter & exit along HWY 92 & Monsanto Dr
- *Attached is drawing to show location, parking & floor plan
- *Our unique spacious indoor facility offers cage free playroom & all day accessible outside grassed run
- *Fun stress free homelike loving atmosphere
- *All natural holistic snacks
- *Open 7 days for your convenience

We would be very happy to meet you and invite you to stop by and view our facility. Your input is important to us & we look forward to hearing you. Please feel free to contact us via:

Mail: 4066 E Monsanto Dr Ste D, SV, AZ 85650

Email: fourpawsinnsv@yahoo.com

Phone: 520.378.7176 or 520.508.9483

4 Paws Inn
4066 E Monsanto Dr Ste D
Sierra Vista, AZ 85650

April 14, 2010

Re: Citizen Review Report

Our Citizen Review required us to send out a total of 70 letters to our surrounding neighbors within 1000 feet of us informing them of our request of a Special Use Permit to be able to board household pets on a short term basis. Those letters were sent out on March 23, 2010.

As of April 14, 2010, out of those 70 letters sent out, we have not received 1 single response back, via mail, email, phone or personal visit. We have however, received many letters on our own, (attached) from our neighbors in our community, other business owners, current daycare customers and previous customers from our Yuma locations in support of our business.

We hope this helps to show that we do have many who support 4 Paws Inn and would like to see us obtain our Special Use Permit. This would allow us to do what we do best, provide a fun, safe place for people in this community to bring their pets when they want to vacation with their family or have a special night away and not have to worry about their furry family members being all alone. We hope to build the same great reputation as being a clean, friendly and accommodating second homelike facility. We look forward to being able to serve the people of Sierra Vista and Cochise County as we so proudly serve the people in our Yuma locations!

Thank you



Stephanie Clarke
4 Paws Inn, Sierra Vista

To : Cochise County Planning and Zoning

My name is Adam32 Casillas and am employed by The United States Dept. of Agriculture, Animal Plant and Health Inspection Service, where I have been for (4) years now.

It came to my attention that 4 Paws Inn is requesting a Special Use Permit to be used at 4066 E. Monsanto Dr. suite D in order to conduct overnight boarding of local area residents pets. 4 Paws Inn has my full support in obtaining this permit, as I feel this type of business would be a great addition to the many services our community and county has to offer its residents.

If you have any questions, comments, or concerns please feel free to contact me at 520-604-2210. I look forward to this establishment being available to me and my neighbors.

Thank You,



04-10-10

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Rose Kadel

520-458-4959

4-12-10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

JoAnne Baguet

4/15/10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you



Stacy D. Sandlin

Commercial Sponsorship Coordinator FMWR

4/14/10

Date

I am aware of the new business, 4 Paws Inn,
going into Pima Plaza on Monsanto Dr and Hwy
92 and I understand there will be dogs staying
overnight.

I support this business and feel it will be a great
addition to the community.

Thank you,

Michael PAQUET M.D.
Max (daycare)

4-12-10

date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Jeffrey Clark
520-678-4045 1430 plaza seca

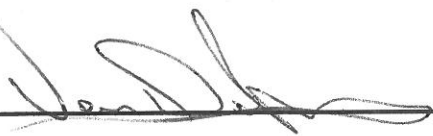
4/13/10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you



Call 520 246 4635

4/13/10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Doug Snow

520-457-3070

4/13/10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Manuel Alvarez (520) 732-9482, malvarez520@gmail.com

4-13-10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Jodi Acosta Cell # 220-7517

13 APR. 10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Bruce Kerelant

4/13/10

Date

I am aware of the new business, 4 Paws Inn, in Pima Plaza at 4066 E Monsanto Dr and Hwy 92 and I understand there will be dogs, cats and other small household pets staying for short term boarding.

I support this business and would like to see them get their Special Use Permit to allow the overnight boarding. I feel they will be a great addition to the community.

Thank you

Alan Bruggard
520-266-4522

4/13/10

Date

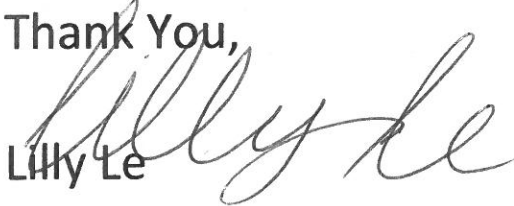
Best Nails and Spa of Yuma
11588 So Fortuna Rd Ste 1
Yuma AZ 85367

We have been next door neighbors in the same business complex with 4 paws inn for the last 2 years. In that time we have developed a great business relationship (we refer business to each other) with owner Maggie Thrall and her daughter Stephanie Clarke that has grown into a very nice friendship as well.

We are also customers and we bring our dog Silver to their shop on occasion for play dates. Their facility is always clean, neat and always smells fresh. The back yard is kept clean and the dogs don't bark a lot.

Thank You,

Lilly Le

A handwritten signature in cursive script, appearing to read 'Lilly Le', written in black ink.

Lariza Calamaco
11654 E 27th place
Yuma, AZ 85367
April 7, 2010

To Whom It May Concern:

I have been coming to Four Paws Inn for about five and a half years. Every time I had been there, the shop was always very clean and smelled the same. Whenever I had brought in Alaska and Chiquita they were always fine, never had any problems and Steph always treated them as if they were her own. They were consistently welcoming and always willing to help in times of emergency. As I am sad that such a caring and wonderful person has left, I am excited for Sierra Vista that they get to share the same great service and hospitality that I received while she was still here.

Sincerely,

Lariza Calamaco

From: Michelle Hart Perez (mhartperez@gmail.com)
To: fourpawsinnsv@yahoo.com;
Date: Fri, April 9, 2010 8:53:50 AM
Cc:
Subject: Thank You!

I wanted to thank you for all you do to put my mind at ease when leaving Noah with you. With my hectic work travel schedule I was at a loss for what to do with Noah as house sitters and other facilities were not up to my standards for him. Now I can bring him with me when I travel into Yuma and not have to worry about him since I have discovered 4Paws. Thank you Maggie and Stephanie for all you do and taking such great care of my treasured pet.

Please feel free to pass along my information to other pet owners that are looking for a reference as I would be happy to share the awesome experience I have each and every time I leave Noah with you!

Thanks again,

Michelle Hart

From: ken poblano (poblanoz@yahoo.com)
To: fourpawsinnsv@yahoo.com;
Date: Thu, April 8, 2010 12:19:27 PM
Cc:
Subject: Letter of support and thanks

Hi Stephanie

Thank you for the continuous support and caring of Akasha while I am on the road. Even though she is a big dog she has a nervous side of her that she has been stressed out by other care facilities and since using you she hasn't had any of the problems and that is a big relief. Finding a clean facility is hard enough nowadays but Four Paws Inn has gone beyond the general facilities I have experienced in the past by providing a clean facility, great staff support, and the most beneficial care for my pet, Akasha.

Thank you for everything and I look forward in using your facilities in Sierra Vista soon and will continue to refer my friends and family to you for their pet care needs.

Sincerely,

Ken Poblano

From: Heather Brown (heather_jbrown@yahoo.com)
To: fourpawsinnsv@yahoo.com;
Date: Thu, April 8, 2010 8:48:41 AM
Cc:
Subject: [No Subject]

Hi Stephanie,

I just wanted to thank you for taking such good care of my dogs! I can't tell you how good it feels to know they are being so well taken care of and that they are happy and having fun while I'm away. You know how they become so anxious when they're left alone and the last thing I need after being away on a trip is to come home to find my yard and the flower beds torn up.

They get so excited, Stephanie, when they see me packing up for another trip! LOL Maxim actually goes and gets his food bowl and sets it by the front door when he sees my suitcase laid out on the bed. Baron just sits there by the door and shakes and whimpers from excitement. They know they're coming to see you because they sure don't act like that when they know they're going to the vet!!

So I just wanted to let you know I appreciate the way you care for my boys and to thank you for all you do! I will refer everyone I know to your kennels and we'll see you again soon.

Take care,
Heather Jamieson-Brown
and Baron and Maxim

I am aware of the new business, 4 Paws Inn,
going into Pima Plaza on Monsanto Dr and Hwy
92 and I understand there will be dogs staying
overnight.

I support this business and feel it will be a great
addition to the community.

Thank you,

Sharon Ball (Waggin Tails) dog grooming,
1157 E Fry Sierra Vista

3-25-10

date

108



I am aware of the new business, 4 Paws Inn,
going into Pima Plaza on Monsanto Dr and Hwy
92 and I understand there will be dogs staying
overnight.

I support this business and feel it will be a great
addition to the community.

Thank you,

Carmen Poirier

3-25-10

date

109



Owner
Carmen Poirier
196 W. Fry Blvd
Sierra Vista, AZ 85635
520-459-8373

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Pet Bakery Etc.

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I am aware of the new business, 4 Paws Inn,
going into Pima Plaza on Monsanto Dr and Hwy
92 and I understand there will be dogs staying
overnight.

I support this business and feel it will be a great
addition to the community.

Thank you,

Becky Burns
(Aztec Welding)

3/29/10

date

110



- INDUSTRIAL GASES
- WELDING MACHINES
- ELECTRODES & WIRE
- RENTALS & REPAIRS

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| • 2550 E. Huntington Dr. | Flagstaff, AZ | (928) 774-5449 |
| • 3901 S. Central | S. Phoenix, AZ | (602) 268-4114 |
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BECKY BURNS
Sales Representative

3821 S. Highway 92
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(800) 429-3944
Fax: (520) 378-4377

bburns@phxwelding.com

KQ Covenant Investments LLC

PO BOX 13205

Tucson, Arizona 85732-3205

FAX: (520) 733-0331

Phone: (520) 733-0840

May 25, 2010

FAX 520-432-9278

Cochise County Planning Department
1415 Melody Lane
Bisbee, AZ. 85603

Re: Docket SU -10-09

We are the owners of the subject property (#107-56011S) and we support this application.

Yours truly,

K.Q. Covenant Investments LLC


Cole Quilliam, Manager

PIMA PLAZA LLC

PO BOX 13205

Tucson, Arizona 85732-3205

FAX: (520) 733-0331

Phone: (520) 733-0840

May 26, 2010

FAX 520-432-9278

Cochise County Planning Department
1415 Melody Lane
Bisbee, AZ. 85603

Re: Docket SU -10-09

Our Company is an adjacent owner of the subject property (#107-56011S) and we support this application. Our tax id # are 107-56-011J & 107-56-012A

Yours truly,
Pima Plaza LLC



Cole Quilliam, Manager



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Karen L. Lamberton, AICP, County Transportation Planner
For: Benny J. Young, P.E., Planning Director
SUBJECT: Right-of-Way and Infrastructure Conditions Study Session
DATE: June 3, 2010 for June 9, 2010 Meeting

Background

A variety of proposed uses are brought before the Planning and Zoning Commission for consideration every month. Most of the Dockets considered by the Commission, such as rezonings and Special Uses, are considered discretionary, meaning a public process is required due to the nature of the request. As part of the analysis for a given proposal, staff considers the ability of an Applicant to legally access their parcel, as well as the condition of existing roads serving the proposed use. Based on this analysis decision making bodies, such as the Commission, may apply conditions related to transportation impacts in order to mitigate very real impacts for discretionary permits. Frequently these conditions pertain to Federal, State or local regulations; others may be related to public concerns.

This study session seeks to describe the legal authority for setting conditions related to permits, types of roadway rights-of-way, access requirements and typical mitigation measures.

Legal Authority

Arizona State Law empowers jurisdictions such as the County to set conditions and require compliance as part of discretionary permits as well as the appeal processes for such conditions or requirements. Under A.R.S. §11.810 exactions (meaning conditions in connection to development permits), the County has a duty to analyze the impacts of any proposed use and determine whether:

1. There is an essential nexus between the dedication and the exaction;
2. That the exaction will serve a legitimate governmental interest; and
3. That the exaction is "roughly proportional" to the impact of the proposed use, improvement or development.

Over time, a body of regulatory guidance, planning methodology and legal precedent has defined 1) what constitutes an essential nexus; 2) what constitutes a legitimate governmental interest; and 3) proportionality for any proposed condition.

Right-of-Way

Access to any given parcel can have several different types of underlying ownership. The most common of these is **private land**, wherein the road is entirely owned by a private individual and there are no public rights associated with it. The next level of rights is associated with **legal easements** for individuals, a group of individuals or the public at large. These are recorded permissions for any given person to use a privately owned road. An individual may negotiate for the right to use someone else's private land for access to their property. This is typical when a roadway exists upon private land, or when larger parcels split and subsequent owners obtain the right to continue to use the pre-existing road. A group of individuals may share a road, and the responsibility to maintain that road, through a recorded document such as CC&Rs (Covenants, Conditions and Restrictions) and this type of easement is often seen with older subdivisions.

Many of the maintained roadways in Cochise County fall under the designation of **declared** roadways. These are roads that fall into a particular legal class defined under A.R.S. §28-6705 (formally A.R.S. §18-207), as having been constructed and maintained prior to June 13, 1975. Some of these roads do not meet County design standards and, under this statute, were allowed to be nominated as primitive roads by the Board of Supervisors. This statute allows some level of County maintenance, but not substantive improvement, on these types of roads.

Under A.R.S. §28-7041 State highways, routes and roads and streets that "...have been constructed, laid out, opened or established or maintained for ten (10) years or more...before January 1, 1960, and that have been used continuously by the public as thoroughfares for free travel and passage for ten years or more are **declared public highways**...". This statute identifies those roadways that the general public can continue to legally use, and the County may expend funds to both maintain and to improve these types of roadways. Cochise County also has a number of roads have been actively in use prior to Statehood; these historically declared roads that were in place and maintained prior to Statehood and those that cross unreserved Federal lands potentially have established County right-of-way under Federal statute RS 2477.

The strongest designation, and preferred designation for any roadway, is that of a **dedicated** roadway. These are roadways in which Cochise County (or some other jurisdiction) holds actual deed to the land. These dedications are obtained either through direct purchase or through contributions by the private landowners. Fully perfected, dedicated right-of-way is needed on any roadway on which Federal funds are expended; e.g. Federal grants. Any substantive roadway construction or reconstruction, including major drainage work, should only occur within confirmed public right-of-ways. (HF Operating Policy 03-02; dated July 16, 2003)

Access Requirements

Under the Cochise County Zoning Regulation 1807.02 A. ..."direct permanent access to a publicly maintained street or to a street where a private maintenance agreement is in place" is required for any non-residential use (Adopted January 1975; last revised June 20, 2008). Subdivision Regulation 103 D States that a subdivision tentative or final plat can only be approved if it demonstrates that it "has adequate public access and minimizes traffic conflict on arterial or County collector streets" (Adopted December 1974, last revised April 18, 2008).

Any proposed land use that intends to serve the general public is required to establish legal access for the traveling public for the duration of that use.

Transportation Impact Mitigation

When considering any proposed use, from small proposals like bed and breakfasts to larger proposals for master planned developments, staff makes certain factual determinations about legal access, the traffic impacts of the proposed use, and the quality of the existing roadway network. For virtually all traffic analysis the County relies on the Institute of Traffic Engineers Manual, cited in the transportation memos as the ITE Manual. This manual is updated regularly and provides a baseline for typical traffic impacts by land use type. These can then be compared to the existing land use to see if there is any significant change if the new use is permitted.

Perfecting rights-of-way is always a consideration. Most often only those portions of rights-of-way that actually traverse the applicants parcel, and directly relate to the proposed use are requested. Most applicants, once they realize that the roads they depend on for access are not dedicated, are willing to dedicate the narrow strip of right-of-way required. Not only is the land virtually useless to them (with an existing roadway in place and used by the public), the applicants still pay taxes on that land. Additionally, they may be open to liability should anything happen on that portion of the roadway they legally own. In some cases, applicants are asked to purchase rights-of-way or assist the County in establishing rights-of-way across unreserved Federal lands when their proposed use would generate larger volumes of general public use to a site where only private easements exist. Once dedicated rights-of-way exist on any given public roadway, the County has more funding options available for making road improvements to meet the increased demands on that road.

Typically, an area that builds out over time has incremental mitigation applied to the uses as they are brought forward. This way, the supporting infrastructure can be constructed, upgraded and maintained for the land uses that depend on those roads. Contribution of right-of-way may be one way that an applicant helps to mitigate the impacts of their land use on the transportation network. In-kind direct support, such as actual construction or upgrading of a roadway is another form of mitigation; a partial contribution either at the time of permitting or a later date that is pre-determined and agreed to by parties is still another. The range of these impacts vary but average, in the State of Arizona and within Cochise County, just slightly over \$7,000 per housing unit (for example, with a subdivision) or an equivalent commercial impact of about 10 vehicle trips per day.

Determining appropriate mitigation is a process that begins with analysis: the collection of facts related to the use, the area, and the potential transportation impact. This is followed by an assessment of how much of that impact should be absorbed by the applicant themselves and what portion of it by the public at large. It is rare that any applicant fully mitigates the transportation impacts of their new use up front; instead future costs (e.g. maintaining the roads) are hopefully funded, in part, by the success of the new venture, contributing through the tax base to the highway and general funds. These funds can then be leveraged as match for State and Federal funds for future roadway improvements within that portion of the County's maintained highway system where perfected right-of-way exists.